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Air Operation Permit Program

A Study of Permittee Perceptions

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Executive Summary

Purpose

In July 2000, the Bureau of Air Management implemented a series of measures designed to improve the air operation permit program. In October 2001, the Bureau of Air Management initiated a statewide program evaluation to determine the effectiveness of those measures. This focus group study was conducted in conjunction with this statewide program evaluation, in order to assess how the program is perceived by the recipients of air operation permits. The results of this focus group study, and a subsequent statewide survey, will be used to guide future program improvements.

The Focus Group Study

This study was conducted by the Wisconsin DNR Bureau of Air Management with assistance from the DNR Bureau of Integrated Science Services. The focus group sessions were conducted one each month, from October 2001 to February 2002, in five different locations across the state, specifically: Rhineland, Oshkosh, Wisconsin Rapids, Milwaukee, and Madison. In all, thirty-six representatives from industries across the state participated in these focus group sessions.

The Bureau of Integrated Science Services has used the results of this focus group study to develop a survey to determine how the operation permit program is perceived by a broader range of permittees. This survey was distributed to air operation permit holders across the state in May 2002. The final report is available on the DNR web site http://www.dnr.state.wi.us/org/es/science/pubs/tr/SS_978_2002.pdf.

The Findings

- In general, air operation permit recipients like their permit writer, but dislike their permit.
- Industry representatives shared positive comments about the following aspects of the operation permit program: site visits, knowledgeable and responsive permit writers, consolidation of all requirements in one document, regulatory relief or flexibility in their permit, use of email to negotiate permit conditions, ease of renewal process, involvement of compliance inspector in permit review, posting of permit documents on web site, ability to select deadlines for reports.
- Industry representatives identified problems with the following aspects of the operation permit program: time lag between application submittal and permit issuance, short time frame for review/comment on draft permit documents before public comment period, burdensome permit requirements with no apparent benefit for the environment, permit process and permit conditions too complicated and too long, failure to incorporate all applicable requirements into one document, construction permit requirements, lack of clarity about state-only versus federally enforceable requirements, complicated application forms, multiple reporting requirements.
- Many industry representatives indicated their permit is fair and consistent compared to those issued to similar industries in Wisconsin. However, several described inconsistencies in certain program areas such as compliance demonstration and record keeping requirements.
- Compared to permits issued to similar industries in other states, industry representatives explained that Wisconsin permits are longer, more complicated, include comprehensive dispersion modeling analysis not conducted in some other states, and include more burdensome compliance demonstration, monitoring, and record keeping requirements.
- Industry representatives provided several additional recommendations for program improvements, including: improve the construction permit/operation permit interface to ensure all requirements are in one document; simplify application forms and permit language; harmonize permits for facilities under same ownership; allow more time for industry review of draft permit documents before public comment period; consolidate permit conditions for similar emission units; highlight changes to permit conditions in draft renewal permit; clarify state-only versus federally enforceable requirements; provide notification to industry of when their compliance certification and monitoring reports are coming due; provide guidance for certifying compliance with Part II permit conditions; use email to negotiate permit conditions; improve organization of information on DNR web site.

I. Introduction

I.A. The Study's Purpose

In July 2000, the Bureau Air Management implemented a series of measures designed to improve the air operation permit program. In October 2001, the Bureau of Air Management initiated a statewide program evaluation to determine the effectiveness of those measures. This focus group study was conducted in conjunction with this statewide program evaluation, in order to assess how the program is perceived by the recipients of air operation permits. The results of this focus group study, and a subsequent statewide survey, will be used to guide future program improvements.

I.B. The Study's Methodology

In conjunction with the FY02 Air Program Evaluation, the Air Management Program conducted five focus group sessions with a total of thirty-six industry representatives.

The selection of industry participants was based on four criteria: operation permit or renewal issuance date, geographic location, industry type, and permit writer. The intent was to include recent recipients of operation permits or renewals, from a variety of industry sectors throughout the state. The representatives from the selected industries were the people most directly involved in the operation permit review process for their company.

Each session included five to eight representatives of industries located within the region where the session was held. The session facilitator guided the group through discussion of a series of topics related to the operation permit review process. The sessions were recorded and transcripts were developed based on the recordings.

During one session, participants were asked to categorize a set of problems associated with operation permit review. They were asked to separate the set into three categories – major problem for me, minor problem for me, not a problem. The set of problems was developed based on comments from prior focus group sessions. The results of this exercise are summarized in [Appendix A](#).

I.C. The Report Layout

The body of this report is divided into three sections, an introduction in section I, an overview of the findings in section II, and a detailed presentation of the findings in section III. The findings are presented in the following order: positive aspects, problem areas, consistency and fairness, and recommendations.

II. The Findings In Brief

A summary of the findings is presented below in four sections, specifically: positive aspects, problem areas, consistency and fairness, and additional suggestions for improvement. A more detailed presentation of the findings, including an extensive sampling of excerpts from the focus group session transcripts, may be found in section III of this report, [III. The Findings In Detail](#).

II.A. Positive Aspects Identified by Industry Representatives

When asked to describe their experiences with the air operation permit program, participants shared positive comments about the following aspects of the program: site visits, knowledgeable and responsive permit writers, consolidation of all requirements in one document, regulatory relief or flexibility in their permit, use of email to negotiate wording of permit conditions, ease of renewal process, involvement of compliance inspector in permit review, posting of permit documents on web site, and ability to select deadlines for compliance certification reports.

Site visits

Since the inception of the air operation permit program, permit writers have been encouraged to include a visit to the industry site in their review process. Often the compliance inspector participates in these site visits. Program managers reaffirmed the importance of site visits in recommendations adopted in July 2000.

When asked whether a site visit was included in the review of their operation permit application, most participants indicated a site visit was conducted. Those who experienced site visits expressed strong support for this effort. Some observed that the site visit resolved questions in an efficient manner, streamlining the review process. Others stated these visits were important to ensure the permit writer understood plant operations so that appropriate permit conditions would be written. One even went so far as to recommend that site visits should be a required element of a permit review.

Permit Writer

With only a few exceptions, participants described their interactions with permit writers in positive terms. For the most part, they found DNR permit writers to be responsive and knowledgeable. Some pointed out that the collaboration between DNR permit writers and compliance inspectors was helpful to the permit review process. The importance of a positive working relationship between the permit writer and the industry contact was a persistent theme in the remarks of focus group participants.

Although some indicated it did not much matter whether their permit writer was located near their plant, having a local DNR permit writer was perceived to be very beneficial by many of the participants. One industry representative stressed the importance of local decision making, instead of having all decisions determined in Madison.

Permit Content

When asked about the content of their operation permits, participants identified the combination of all applicable requirements into one permit document as one of the good things about having an operation permit. Several participants pointed to additional flexibility and some measure of regulatory relief achieved through the negotiation of their operation permit. One remarked that their operation permit supports good plant management and another suggested it is good for the environment.

Operation Permit Renewal Process

Several of the participants had recently received an operation permit renewal. When asked about their operation permit renewal, they described the renewal application and review process as painless, much easier and faster than the review of their initial operation permit application. One participant highlighted the inclusion in their operation permit of a series of previously issued construction permits through revisions and the renewal. In addition, one participant related an example of how he was able to obtain some relief from record keeping requirements through the renewal process.

Permit Format

When asked about the format of their operation permit, specifically whether the format presented their requirements in an easily accessible fashion, most of the focus group participants agreed that the table format works well for them. Typically, participants appreciated having all requirements for a given process line included in one table.

Permit Negotiation via Email

Several participants commented on the benefits of using email for negotiation of permit conditions. For these participants this served not only as a swift process to resolve permit language negotiations, but also it provided a record of the basis for decisions on permit language. To further illustrate this point, the comments of two participants are included below.

Permits Posted on DNR Web Site

Operation permit review documents are posted on the DNR web site. Several focus group participants explained that this was very helpful to them during the negotiation of their own permit conditions. They reported searching through the permits issued to similar industries to compare permit requirements and ensure they were getting a “good deal” in their own permit.

Other Comments from Individuals

Although each of the following topics were brought up by only one focus group participant, they seemed significant enough to include in this report. Individuals commented favorably on the following aspects of the operation permit program: ability to review the draft permit before public comment, permit application shield, general operation permits, assistance from the Federation of Environmental Technologists (FET), and meteorological data posted on DNR web site.

II.B. Problem Areas Described by Industry Representatives

Participants identified the following as problem areas in the operation permit program: review time-frame, cost, permit content, and permit writer.

Permit Review Time-frame

Of all the problem areas identified by participants, by far the most commonly cited problem was the time lag between application submittal and permit issuance. When discussing the difficulties that resulted from the time lag between application submittal and permit issuance, participants explained that they had to spend extra time familiarizing themselves with documents submitted years before. This discontinuity was believed to be the cause of further delays and inefficiencies in the review process.

Several focus group participants stated that they had to update their permit applications because of the time delay. They expressed concern about the added cost and delay resulting from the need to submit application updates.

The pace of the review was another source of concern for the participants. For some, the review moved more quickly than desired. Specifically, several felt their permit writer did not initially allow sufficient time for their review of draft permit documents prior to the official public comment period. The thirty-day public comment period alone was perceived to be too short a time period for resolution of industry concerns about permit content.

Although only one focus group participant identified the following concern, the incident is significant enough to include here. This participant experienced a significant delay between the date their operation permit was issued and the date they received a copy of their operation permit. This situation was resolved to the satisfaction of the participant.

Cost

Participants expressed concern about the costs associated with their air operation permit, including the cost of preparing the application and the cost of complying with new requirements included in the operation permit. The total cost estimates quoted by participants ranged from \$3,000 to \$100,000. Several, especially those from smaller businesses, suggested that the staff time required was excessive.

Permit Content

Nearly all of the focus group participants described dissatisfaction with at least one aspect of the content of their operation permit. Most were concerned about the compliance demonstration, monitoring, record keeping, and reporting requirements. Others made statements concerning hazardous air pollutant emission limits, production limits, major versus synthetic minor status, permit complexity, lack of harmony in permit conditions between plants, errors, revisions, permit enforceability – state-only versus federal, compliance certification reports. An overview of these permit content concerns is presented below.

Compliance Demonstration, Monitoring, Record Keeping & Reporting

The most commonly cited concerns related to permit content were the compliance demonstration, monitoring, record keeping, and reporting requirements. For many participants, this was the first time they had encountered such requirements, and for some this came as quite a surprise. Participants described these requirements as costly and burdensome, with no real benefit for the environment. One participant expressed the suspicion that such burdensome record keeping requirements were not really necessary to meet EPA requirements.

Hazardous Air Pollutant Emission Limits

Several participants gave accounts of difficulties associated with the hazardous air pollutant emission limits established in their operation permits. One described frustrations due to changes associated with variance requirements. Others told about difficulties associated with what they perceived as overly restrictive or conservative interpretations of hazardous air pollutant emission regulations.

Production Limits

Many industries request limits to avoid major source status. In most cases, in order to satisfy federal enforceability criteria, such limits restrict the facility's production or operation schedule. The federal enforceability criteria include exceptions, however such exceptions require significant recordkeeping. These criteria were established in federal court decisions. Several focus group participants, who had presumably requested such synthetic minor source limits, objected to the restrictions on facility production.

Major v. Synthetic Minor Status

The following background information may be helpful in understanding the focus group participants' concerns and confusion about synthetic minor status. Industries with emissions above threshold levels are classified as major sources and are issued federal operating permits (FOPs). Industries with potential emissions above threshold levels may opt for synthetic minor status by accepting federally enforceable limitations to ensure their emissions do not exceed threshold levels. These industries become synthetic minor air emission sources when issued a federally-enforceable state operation permit (FESOP). Industries that do not have the potential to exceed emission threshold levels are natural minor sources and are issued state operation permits (SOPs.)

Several focus group participants spoke at length and with some degree of confusion, about the lack of incentives in the operation permit program for synthetic minor status. Some focus group participants expressed confusion about why record keeping requirements are not less burdensome for synthetic minor source permits than for major source permits. Some comments suggest confusion about whether or not it is possible to change from major source to synthetic minor source status. Others were dismayed that that synthetic minor source permits are federally enforceable. One participant expected an advantage in maintaining synthetic minor source status in avoiding future federal rule and in possibly generating emission credits, but so far has seen no real advantage. Another participant described some unanticipated consequences of changing from synthetic minor to major source status in an ozone nonattainment area.

Permit Complexity

Several participants objected to the complexity of their operation permits. They described the permit language, especially the language on rolling averages, as too long, too bureaucratic, too much “legalese”.

Harmonize Permit Conditions Between Plants

Several participants remarked that they preferred that the conditions in the operation permits for several facilities under the same ownership include similar requirements. Although some had success in achieving this goal, others encountered difficulties in their attempts to harmonize the conditions in several different operation permits.

Errors

Three of the focus group participants experienced difficulty in addressing errors discovered in draft permit documents. One described an incident involving a failure to include an NSPS rate-based limit in the draft permit. In another case, a participant expressed concern about gaining access to draft documents and then discovering a significant number of errors. One described a problem with inconsistent identification numbers for emission units from one permit to the next.

Revisions

Some of the participants shared comments about the inflexible nature of permit requirements and the difficulty involved in getting them revised.

Permit Enforceability - State-Only v. Federal

As required in the operation permit rules, the operation permit conditions that are state-only enforceable are specifically marked as such. The unmarked conditions are federally enforceable. Several participants expressed concern about the identification of permit conditions as state-only enforceable or federally enforceable. The participants expressed an interest in gaining certainty about which of their permit conditions are federally enforceable and in limiting their exposure to federal enforcement actions.

Compliance Certification

One participant reported concerns about the ability to certify compliance with conditions in Part II of their permit.

Permit Writer

Some of the focus group participants described difficulty working with their DNR permit writer. Several indicated that communication was difficult. Others expressed concern about their permit writer's lack of knowledge about their industry or their specific plant operations. Some even went so far as to suggest that the DNR staff they worked with had an anti-business bias.

Multiple Permit Writers

The desire to work with just one permit writer for all of their permit projects was expressed by several focus group participants, especially by those who had a good experience with that one permit writer. Some described concerns about having to re-educate each new permit writer they work with.

Other Problem Areas Identified by Industry Representatives

The following areas identified by focus group participants were not noted by the majority of the participants, but did seem significant enough to include in this report: interface between construction and operation permit programs, after-the-fact construction permit violations, dispersion modeling analysis; permit application forms, renewal application confirmation letters, documentation of decisions, permit format, misplaced confidential application materials, and construction permit requirements. Further detail on each of these concerns is provided in section III of this report.

II.C. Industry Representatives' Comments on Consistency & Fairness

Focus group participants were specifically asked to comment on the consistency and fairness of their operation permit compared to operation permits issued to similar facilities in Wisconsin, and compared to those issued in other states. Their responses are summarized in two paragraphs below: within Wisconsin, and outside Wisconsin.

Within Wisconsin

When asked whether they felt their operation permit was fair and consistent with those issued to similar industries in Wisconsin, many participants responded positively, but several pointed to inconsistencies in compliance demonstration and record keeping requirements. Other areas were identified as inconsistent by individual focus group participants. For example, one participant described an experience involving "insignificant emissions unit." Another participant was concerned that particulate matter emissions from aluminum foundry operations are not treated consistently across the state. Fugitive dust and malodorous emission control requirements were also identified by individuals as consistency problem areas. Several participants from southeast Wisconsin noted that their permit requirements are more burdensome than elsewhere in the state because they are located in an ozone nonattainment area. Many participants told us they reviewed permit documents posted on the DNR web site, to be sure their permit conditions were consistent with those in permits for similar industries.

Outside Wisconsin

When asked whether their operation permit was consistent with those issued to similar industries in other states, participants provided a wide range of comments. Some explained their Wisconsin permit was less restrictive than permits for their plants in other states. But most participants told us that Wisconsin permits are longer, more complicated, include dispersion modeling analysis not conducted in some other states, and include more burdensome compliance demonstration, monitoring, and record keeping requirements. In all, the focus group participants provided comments comparing Wisconsin operation permits to those issued in ten other states, including: Arkansas, California, Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, North Carolina, and Texas.

II.D. Recommendations from Industry Representatives

When asked for additional recommendations to improve the operation permit program, participants provided suggestions pertaining to permit content, permit writers, compliance certification reports, and guidance. Specifically, participants made the following recommendations concerning permit content: switch to MS Word, highlight changes in permit requirements, combine emissions units into one table, establish standard permit conditions, and incorporate Environmental Management Systems into permits. With regard to permit writers, participants recommended that they be provided with industry sector training and that the Department hire more permit writers. Participants offered the following suggestions concerning compliance certification report requirements: provide a standard format for compliance certification and monitoring reports, provide notification of deadlines for compliance certification reports, and combine compliance certification and emission inventory reporting. Participants provided many recommendations concerning guidance, specifically: provide line-by-line explanation of permit requirements, provide software for industry record keeping, improve the organization of the air internet site, provide guidance on LACT proposals, provide guidance for dust suppression plans, provide guidance for estimating emissions, provide guidance the overall operation permit program, establish "easy" thresholds levels for insignificant units, and simplify permit application forms.

III. The Findings In Detail

The findings of this study were gleaned from a close review of the session transcripts. A summary of the findings is repeated below in four sections, specifically: positive aspects, problem areas, consistency and fairness, and additional suggestions for improvement. Within each section, a sampling of excerpts from the focus group session transcripts is included in order to provide a sense for the issue in the actual words of the participants.

As this is a summary, not every comment is included. Emphasis is placed on comments of a similar nature recounted by several industry representatives. However, an attempt has been made to include significant anecdotes reported by individual industry representatives.

III.A. Positive Aspects Identified by Industry Representatives

When asked to describe their experiences with the air operation permit program, participants shared positive comments about the following aspects of the program: site visits, knowledgeable and responsive permit writers, consolidation of all requirements in one document, regulatory relief or flexibility in their permit, use of email to negotiate wording of permit conditions, ease of renewal process, involvement of compliance inspector in permit review, posting of permit documents on web site, and ability to select deadlines for compliance certification reports.

Site visits

Since the inception of the air operation permit program, permit writers have been encouraged to include a visit to the industry site in their review process. Often the compliance inspector participates in these site visits. Program managers reaffirmed the importance of site visits in recommendations adopted in July 2000.

When asked whether a site visit was included in the review of their operation permit application, most participants indicated a site visit was conducted. Those who experienced site visits expressed strong support for this effort. Some observed that the site visit resolved questions in an efficient manner, streamlining the review process. Others stated these visits were important to ensure the permit writer understood plant operations so that appropriate permit conditions would be written. One even went so far as to recommend that site visits should be a required element of a permit review. Here are a few examples of the participants' comments on this subject.

Absolutely, absolutely. [Permit engineer] wrote the permit for our facility, and I don't think [permit engineer's name] knew a lot about offset printing. And he certainly didn't know anything about printing, the type of printing we did on plastic. And you know, I think that if he hadn't come out, I think the process probably would have been doubled or tripled in length. And it probably, there probably, and really we didn't have a lot of friction. There were certain sections in the permit where we had some, you know, disagreement. But because he had been out there, he knew. He had some kind of an idea what we were doing, and we were able to take and explain it and discuss it, and then come to an agreeable consensus on it. Absolutely imperative that the writer knows something about what's going on out there on that facility.

I think the other thing is, you know again I think everybody has said, a visitation certainly is a good idea. I realize, you know, that there is some expense to it. There's mileage expenses the Department has to incur. There's time where the individual obviously if he's going to go out, he or she is going to go out and visit a facility, that's going to take at least a quarter of a day or a half a day. But again, I think those things really shorten up the time period, and I think that investment pays off in the long run, not only for the not only for the facility, but for the Department. I think it streamlines that process considerably.

Even the plant, because where I got comments from the environmental people, where the person didn't come out, the permit writer did not understand the industrial processes for which the permit was being written. Which caused extra work both for the facility, and the permit writer, and our consultant involved, which you know cost us a lot more money. You know, one of the comments the permit writer asked, you know, we are making equipment because we are getting some daily limits in there to show that we are exempt from regulations. And they asked, "Well how do we know that you don't make all of those parts in one day?" And it's like the inside of a transformer you know, where you make produce what 250 days a

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year something. The fact that they even ask that question is ludicrous, you know. If we made it all in one day, and held it in inventory that long, my plant manager wouldn't have a job!

How important is it to have the permit writer come out to the facility? Very important. A picture is worth a thousand words. What difference did it make? Well because she could see on a one by one basis what we were doing, what we were trying to tell her. We were trying to tell her that we are a job shop and one week we may use several thousand gallons of one product and maybe zero of another. And the next week we may use something different entirely. So she had to by coming out there she could see that we were doing all these different things and what is feasible and what is possible and what is not possible. You know you sit in Madison and try to write this report it is hard to see how, to visualize how these operations take effect you know if they are able to be done differently.

We had the permit writer come out to the facility along with the compliance officer during an inspection, and went through the facility. I thought that was very beneficial. In fact, I think that it should almost be a requirement for them to come out and at least come through. Because there were a lot of questions that were asked, and there were a lot of questions that were answered. And it certainly served as a foundation for the rest of the discussion on the permit.

Permit Writer

With only a few exceptions, participants described their interactions with permit writers in positive terms. (Note, comments from those who experienced difficulty in working with their permit writer are included in [the problems section](#) of this report.) For the most part, they found DNR permit writers to be responsive and knowledgeable. Some pointed out that the collaboration between DNR permit writers and compliance inspectors was helpful to the permit review process. The importance of a positive working relationship between the permit writer and the industry contact was a persistent theme in the remarks of focus group participants. These are just a few of the remarks from participants on this subject.

I want to say one thing. The people in the region that I deal with, the compliance officer and permit writer, are very helpful. They took time. If you needed their help, they would find a way to get there to help. And I don't have anything negative to say about those people, and working with them. I think they were very helpful. We would never have got through this without their help.

I have no criticisms, if anything I got praise. There has never been a time I haven't called and got a good information, supportive information, and the ways that we can resolve situations. So I think it has been positive.

The Wisconsin DNR is, in my opinion, way up, as far as, from my experience, the technical ability of the people who are not only issuing the permits, but the engineers and the enforcement engineers. You know, they're on top of stuff.

I would say overall communications are really great. I don't know what anybody else would say but I have had great communications. I have always gotten answers instantly you know even when I have had software problems. I have always been able to call and get immediate help. That's one thing I really like.

I went into this deal and when I first approached this, I am a people person, and my deal was I really have to get to know these people, I have to know where they are coming from. I want to know what they expect of me. So early on, I worked with the DNR very close, the waste management, air and everything. And I got to know them very very well. And that has helped me many many many times, because you know I find that they have a job to do and if they understand where I am coming from maybe the two of us can meet half way down the road. So I just wanted to say that I appreciate this.

I found your guys to be real good to work with. You know we have differences, but we always work them out. And you know there's always a little showmanship on both sides about the terms of a negotiation on both sides which is normal. But I think I really, I have no problems.

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As I mentioned I work with two different permit writers and just a side comment, that [permit engineer] in [city], you know is very effective, efficient, thorough, complete, logical, responsive. And I think if you had ten more of her it wouldn't have taken five years plus to get this program done.

But I would have to say in both cases, once you get to know the permit writers, and into the process, they responded well to our comments and worked well with us. And they also worked well with the compliance officer that we had. Is that the proper term? Because that person also used to write one of the permits too, so that was very helpful for all them to work together.

Although some indicated it did not much matter whether their permit writer was located near their plant, having a local DNR permit writer was perceived to be very beneficial by many of the participants. One industry representative stressed the importance of local decision making, instead of having all decisions determined in Madison.

How close is local? Our permit writer came out of [city] so he had to travel an hour and a half to [city]. He's been there twice and he's there over the phone anytime I need him. For me that's local enough. We have not really had an issue. The one that we have is probably the easiest DNR person to work with that I have ever talked to in my life. He is willing to check different ways of doing things and he's trying to make it easy for us. Ninety miles away is local enough for me.

That's the only thing I say about when you go through the permit process is it's nice to work with someone more in your area.

And I would say, in the end, if any permit, if I had my choice, I would pick a permit writer that is within this area here to work on a permit in this area, even if there's, we don't have plants throughout the rest of the state, but I would think even consistency, you would want people that are familiar with the area because the requirements are different here, because it is a nonattainment area, from the rest of the state. That's a fact.

I think it should, as much as possible it should be assigned to somebody locally in your area. One local contact or some form of local contact anyway. And you want that person for the whole time ... I don't think it should be switching all the time, but if you had to deal with one or two people that wouldn't bother me. I would say and that person should be knowledgeable in your industry.

Ours was a permit renewal and it was done out of [name of city], which is not close for us. So there were trips to our plant and our consultants have to come, who are out of [name of city]... I was upset because we should have been out of [name of city] and why send us to [name of city] for a renewal. The man is nice in [name of city] but he's overworked.

I do think it is important. I think it is important to be able to build a relationship with your permit writer, compliance folks. At the same time, you have got to make sure you give them some decision making space. There's a lot of times when you ask them for something it's like yea but I've got to check with Madison. You know. So I think, you know, if you have got local they have got to have the authority to make the calls. You know. And some clear guidelines so that you know you aren't always achieving the consistency by just having them be a messenger back to Madison, but by giving them some boundaries to work within to maintain that consistency. And in the same token, they went to bat for us on some fairly major issues where folks in Madison who were more distant simply just wanted to take a look at the regulation and say forget it, go have them do this, this is what the book says. They went to bat for us, and put their name on the line. They did do some good stuff for us.

Permit Content

When asked about the content of their operation permits, participants identified the combination of all applicable requirements into one permit document as one of the good things about having an operation permit. Several participants pointed to additional flexibility and some measure of regulatory relief achieved through the negotiation of their operation permit. One remarked that their operation permit supports good plant management and another suggested it is good for the environment. Here are some examples of participants' comments on this subject, in their own words. (Note, many participants, including those who shared some positive comments about the content

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of their operation permit, raised objections to the content of their operation permit. These comments are included in [section III.B](#) of this report.)

All in One

What it did was to combine a lot of odds and ends that we had accumulated over the years into one permit. We had a construction permit for the plant that we were operating under. We had a separate permit for our finishing line with some requirements. We had a number of exemptions for different fuels and operating scenarios and that sort of thing. It did lump it into one, and where you've got one document you could turn to to look for your any of your requirements ... So there is one, I see that as a benefit, to having one document where all sources and exemptions are in this one consolidated permit.

We had over the course of those years generated a number of different exemptions for alternate fuels and some of our wood waste streams and whatnot to be allowed to burn those in our bark fired thermal oil heater, and that type of thing. So I guess it was more a housekeeping effort just to get all the exemptions and a couple of different construction permits lumped into one thing

And then one of them, we were incorporating a construction permit at the same time, to make some changes, so we wanted to incorporate that into the operating permit. Because at the end of the day, we want the plant to have one permit, so they know what the limits are. Not here's one operating permit, and here's a construction permit that supersedes it, and then a couple of years pass, and people change, and they forget which one to look at, or something like that. Make it simple for people.

Flexibility & Regulatory Relief

I will say that the people that I worked with from the DNR were very easy to work with as far as the permit came out, after all that time, it seemed somewhat difficult to achieve some of the timelines that were laid in there. And they were very workable with us in establishing new timelines for some of the monitoring equipment that we had to purchase and install and get things up and running.

The one thing I do like about the compliance certification option is how you can pick your end of year date. And I was so close to picking end of year December 31st, I really was. But then I thought I'm not going to do this to myself. Because you know January February I am just overwhelmed you know. So I said ok I'll pretend I'm with finance people for a while, I'm going to end on September 30th. You know so I have October to do that report. Just so I spread out my workload.

But the folks were real real nice to work with. We were able to petition for and obtain some relief from some of the monitoring requirements that we did have. So from the spring of 1998 and then I guess it was the spring of 2000 when the permit was in a form that could be sent out for public comment and that process, the EPA 45 day review and that sort of thing. We were issued the permit in August of 2000. So it really – the process, even though it took a great deal of time, because we had already obtained the construction permit and were allowed to operate under the permit shield, it didn't really hamper our operation. The Title V process was more or less, like I said, combining everything into one. And we were able to request a few things that made life a little easier. We also gave in or had some additional monitoring requirements placed on us also.

One of our continuous emissions monitors that we had operated since start up of the mill was for carbon monoxide on our dryer system. On that dryer system we've also got fuel restrictions, we've got temperature restrictions, and we've got a requirement to monitor with a hand-held CO monitor while the furnace is operating. So I was able to request to get that modified where we pulled that CO monitor off line, that continuous CO monitor. So that was one change that was made after we received the draft permit ... The ability to remove that CO monitor saved me a lot of sleepless nights so taking a few extra readings was all right in my opinion being that we could shut down that one monitor.

Management & Environmental Benefits

I will, I will say one other thing, though, on the Part 70, and this is we got these, and it's not because of Part 70, but it's in our other permits. It's that the six month monitoring report and compliance submittals,

ah, do require us to, you know, it does require us to audit our operations on a semiannual basis. And I believe, god forbid I should say this, but I think it has been a, I think it has been helpful for us because we do find things that we don't like, you know, in terms of our management, or, you know, things that, you know, could, if they were overlooked, could turn into, you know, serious situations. And as a result, we are always tweaking our systems to be able to monitor those systems better and follow up on them, and so forth, and so on. So, you know, that has, I think that has driven us to be a better managed organization.

But one last comment as a whole and that is that when we all got our permits one new element of that was the compliance certifications and the summary of monitoring. And we just submitted ours last month for the first time around. And at first my thought was, there is a whole lot of work and detail in here. But once we did the first time we are over that hump and I guess it is also my opinion that that compliance certification, that summary of monitoring, is a good tool and it is a good tool for the enforcers. It is a good tool for us. It makes us go and check our whole year's activities, and I think that should save the department time over time. Rather than spending five days going out to five facilities to check all this stuff, they can sit in their office for one day and go over five of these reports and say yea these guys are ok for a year I think I'll go visit them next year. So that's an element of the new permit process that I think is a good tool.

The [industry sector] in itself, and I think without the EPA and the DNR rules, we would still be all over America throwing out and spewing stuff in the air. It would be back like in the '40s and the 50's. So I think what we are doing is a good thing. It does take the industry, and I think [participant's name] would probably agree, it does take the industry and those vendors, and forces them to find alternative ways to clean presses, to create different types of inks, and things like that. Likewise, we have gone and reduced ours from eons ago, to less eons ago to today. Again, I might be the odd duck out. I don't find the capturing of information very difficult. Although there is always one person that is dealing with that kind of stuff – health and environmental safety - for our facility and that's me. But it's manageable. I'm sure my employers would love not to have me on staff, you know, and save that cash. But someone needs to be there, looking after these types of things, in the interest of the company, and in the interest of the community.

Operation Permit Renewal Process

Several of the participants had recently received an operation permit renewal. When asked about their operation permit renewal, they described the renewal application and review process as painless, much easier and faster than the review of their initial operation permit application. One participant highlighted the inclusion in their operation permit of a series of previously issued construction permits through revisions and the renewal. In addition, one participant related an example of how he was able to obtain some relief from record keeping requirements through the renewal process. These points are expressed most clearly in the comments included below.

The renewal process, I thought, went, was very easy for us because we only had to submit the changes. We didn't have to go through a whole iteration of the permit. There was a letter with a few forms. So that was pretty straightforward for us.

Easier. We have done one. The operation didn't change a whole lot from the time when we got our permit. But for us no, it was, it's no comparison. A lot of it was, it's basically the same, and we don't anticipate a lot of changes, so that made it easy. But it was pretty straightforward. I mean there wasn't, you didn't have all those Title 5 of this, I don't know, this many pages of stuff that you filled out. Well we didn't have to fill that all out this time.

So the renewal process was not as difficult as the first one ... Well, with the renewal actually I started working on the renewal, it took about another, it took a while simply because we were backed up. But I had all my, I didn't have to make many changes. I got a lot of help from the [city] DNR office and the lady there knows me very well. She has come out to the plant many times, so she understands our process very well. So she was able to clarify a lot for us. It probably took another fifteen months, or something like that, for the renewal ... Yes. It wasn't as hard. It wasn't as difficult.

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At the renewal time then [permit writer], man, she handled basically everything and it was really very timely. I recall there being times when permits come well after the date of the other permit having expired. But in this case we had this permit in hand, that renewal, so we are now under the next five year term and just a few months into it had that permit in hand beforehand... I feel it is all laid out quite well and [permit writer] was timely with everything. There were a few points of like what the fuel oil supplier had to supply and how frequently. And we had some discussion about our printers, our ink jet printing. And yea, we've got dirt road and building heights. And some of that stuff, it seemed to be a little bit like not too important to be getting all of those things, but I was up there with a tape measure and go ahead and get it. But in the end, yea, relatively painless. We have gotten, we also have some spray water permit for wastewater from the facility and somebody else handles that. And from my observations that is much more involved. And then we purchased another 80 acres to do the same and again that was really involved. But this went, like I say, quite painless. Everything was laid out quite clearly I think.

We got a renewal in July 2001. And I found it kind of interesting too. It didn't take as much time, I guess I knew the process, I knew all the things going on. I could say we want this, we don't want that. We want to switch these around. I knew much more about air in general. One of the problems that we had for my renewal is we got it done way ahead of time, I mean it was so much easier a process that we got it done in December. And he said, "Well are we going to finalize it now?" And I said, "No. I want to wait until July." And he says, "Why?" And I said, "Because I want my five years. Because I don't want to have to go four and a half years to the next permit I want five full years." And he goes, "I never had anybody say that." And I said, "Well I have to look at how difficult my process is." And I said, "I want five years, so wait." [Renewal issuance was delayed as requested.]

And we had our renewal this year. We had countless construction permits, revisions. We get new equipment all the time so we are constantly making changes. I think the three main things is up front we had a good review, we had an outline of what we wanted to accomplish and I think that really helped through all the permits that have been, the renewals that have been. I'm finally getting systematic about it. I mean what were my goals in the permit. I'm always trying to simplify reporting and that sort of thing. We did a real good job and put all the questions and all the cards on the table for our air permit who we started out with first. Then everything went in.

Permit Format

When asked about the format of their operation permit, specifically whether the format presented their requirements in an easily accessible fashion, most of the focus group participants agreed that the table format works well for them. Typically, participants appreciated having all requirements for a given process line included in one table. A selection of the participants' comments on this topic is included below. (Note, one participant strongly objected to the table format. This observation is included in [section III.B.](#) of this report.

The ones that are in the table format are really nice, come with your tables, here's the limit, here's what you do for compliance. Here's, some of them come in table form. The latest ones are really nice for us, they come in table form.

I like the table. It is easy to look at, if you're looking for what do I have to do for sulfur dioxide then you go to the page and it says sulfur dioxide right up in the left hand corner. I think it's easy to find things as you're flipping through. It lists the pollutant, it lists the limit set by the clean air act or whatever, it lists what you have to do to comply, and it lists any test methods over on the right. I think it's pretty easy to understand. I thought it was a big improvement over the old paragraph format.

The one thing that I think is really good, and I've seen permits in other states, and we have facilities in other states, the formatting for the permit, to me, is really good. You get a permit. You can go through your process and identify what compliance points very easily because it's in a tabular form. So I really do like that.

I love this. This is great. If you can get it electronically and you can take it and make into your compliance certification document, it's wonderful. Put your little boxes in there for continuous air emissions. It's wonderful.

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I love this by process. Illinois gives you this big long narrative. Oh, yeah. It's ugly. You got to go back and forth to different pages. This is set, this process, here's your limits, here's your compliance demonstration, record keeping. It's, to me it's cut and dry. It's so much easier compared to the old way.

Permit Negotiation via Email

Several participants commented on the benefits of using email for negotiation of permit conditions. For these participants this served not only as a swift process to resolve permit language negotiations, but also it provided a record of the basis for decisions on permit language. To further illustrate this point, the comments of two participants are included below. (Note, failure to provide a "paper trail" documenting the negotiation of permit language was identified as a problem by one participant. See [section III.B.](#) of this report for details.)

With email it was just instant back and forth, just hammered it out instead of the old mail days of phone calls and messages and that type of thing. I think that was really good.

I would say overall communications are really great. I don't know what anybody else would say but I have had great communications. I have always gotten answers instantly you know even when I have had software problems. I have always been able to call and get immediate help. That's one thing I really like. I also like that they use email all the time. If there's one thing that saves me time, it's email.

Permits Posted on DNR Web Site

Operation permit review documents are posted on the DNR web site. Several focus group participants explained that this was very helpful to them during the negotiation of their own permit conditions. They reported searching through the permits issued to similar industries to compare permit requirements and ensure they were getting a "good deal" in their own permit. Here is one example of this perspective.

I don't know how you can compare state to state but if there's someone else in the state that is doing what you are doing, you could do what I've done. And that's to go to the DNR website and go to the permits section, and go to the operating permits, and if you know the company name you can search on the company name and get the facility id number, and you can pull up their permit. When we were looking at our draft I pulled up a number of other facilities drafts to see how one aspect of theirs was handled and who was getting this requirement and who wasn't getting this requirement.

Other Comments from Industry Representatives

Although each of the following topics were brought up by only one focus group participant, they seemed significant enough to include in this report. Individuals commented favorably on the following aspects of the operation permit program: ability to review the draft permit before public comment, permit application shield, general operation permits, assistance from the Federation of Environmental Technologists (FET), and meteorological data posted on DNR web site. These comments are best presented below, in the words of the participants.

Review Draft Before Public Comment

(Note, several participants complained about the limited time allowed for their review of draft permit documents prior to the official public comment period. These comments are included in [section III.B.](#) of this report.

The ability to review preliminary drafts of the permit before the public comment period was helpful. The ability to meet with DNR staff to discuss the preliminary drafts and identify minor errors and stuff was good.

Application Shield

So it really – the process, even though it took a great deal of time, because we had already obtained the construction permit and were allowed to operate under the permit shield, it didn't really hamper our operation.

General Operation Permit

And those general operation permits are nice. They're a blanket type permit and you find out where you fit, you know they do it by production so if you produce this much in a year you fall under these requirements, if you produce this much in a year you fall under these requirements. They're pretty nice, they're streamlined. If you have multiple facilities like we do, you don't get confused between each facility and have to constantly be tracking down, now what do I have to do at this plant, is it different at this plant. What record keeping to I have to keep here, that I don't have to keep there. And so that's pretty nice.

Assistance from FET

And one thing I learned from then on is that, I don't know if some of you may or may not be familiar with it, but FET, the Federation of Environmental Technologists, it's kind of an odd name for what they really do do, but if you don't know just call me up and I'll tell you. I think they do an excellent job as far as the Department's role to provide outreach education or regulatory compliance assistance. In my opinion, FET is doing that job for the DNR. I think if they wouldn't have done a lot of the two day workshops all over the state and answered tons of questions for tons of people, I don't think DNR would have handled the number of questions they would have gotten, or they wouldn't have gotten the questions. So that's my plug for FET, and I think they are doing DNR's job.

Meteorological Data on DNR Web Site

One nice thing about the modeling is that the DNR pre-approved meteorological data is available on the web and you can just download that. And that's a nice thing.

III.B. Problem Areas Described by Industry Representatives

Participants identified the following as problem areas in the operation permit program: review time-frame, cost, permit content, and permit writer.

Permit Review Time-frame

Of all the problem areas identified by participants, by far the most commonly cited problem was the time lag between application submittal and permit issuance.

When discussing the difficulties that resulted from the time lag between application submittal and permit issuance, participants explained that they had to spend extra time familiarizing themselves with documents submitted years before. This discontinuity was believed to be the cause of further delays and inefficiencies in the review process. The tenor of the comments on this topic is portrayed in the following statements from focus group participants.

If you would just listen to when we went around, time-frame that it took to get a permit, you're in that four to seven year range to get a permit. I mean, that's, if we did that in business we'd be out of business and long gone dead. If it took us that long to get going.

By the time it picked up again in 2000, basically whatever knowledge I had prepared myself for is gone. It was starting back to square one in my mind.

I seem to, every time I dig into it, seems like I go through a week learning curve just to get my thought process back up to speed with what I'm working on and then it's pretty fresh in my mind and everything's organized.

And the frustrating part in dealing with it is that you start working on it, you hand over a portion of it to the DNR and then it sits for a long long time. Then they get back to you and you spend a lot of time going back through it all before you can make progress.

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Several focus group participants stated that they had to update their permit applications because of the time delay. They expressed concern about the added cost and delay resulting from the need to submit application updates. Included here are the most compelling remarks on this subject.

Maybe my main gripe with the whole process, is we're not a static operation that we make plans five years from now and this is exactly what we're gonna do. We sometimes have to change in a month ... [which] led to us having to redo the permit several times, our application. Because, from what we started with in 1997 towards what we ended up with, was not the same thing and it went through several changes.

And that was part of the problem with the process – was that the lag between time of actually submitting and actually have somebody pick up and review the application forms. We actually did submit several amendments because of changes. We purchased the facility in this area so we had to go ahead and update and initially review information which was not available at the time the initial application was submitted we had to go back and amend the original information. After the original application was submitted we did our amendments to update the information.

We submitted our application in June of '95 and they finally started processing the application in January of '99. Same thing as [participant's name] said – a lot of time had passed - things had changed - kept some things updated – but just some fundamental assumptions for how you estimated emissions changed due to emission factor updates and things. Kind of felt like all the work you did three and a half years ago, while not, it wasn't a complete throw-away, it sure needed a lot of updating.

The pace of the review was another source of concern for the participants. For some, the review moved more quickly than desired. Specifically, several felt their permit writer did not initially allow sufficient time for their review of draft permit documents prior to the official public comment period. The thirty-day public comment period alone was perceived to be too short a time period for resolution of industry concerns about permit content. A selection of the many comments on this topic is included below.

It was quite a drawn out process with a lot of dead time it seemed like, and then all of a sudden things moved very quickly.

Now on the flip-side, the two permit writers, one of them was willing to work with us try to understand, try to get everything finalized, you know, in a draft permit standpoint. The other permit writer just wanted to get it done and almost move on to their next permit. So, you know, expected us to have comments back in a week on a permit, which if you can get them all done in a month and coordinate everybody and look at the data, that's a pretty good time-frame. So it's good and bad on both of those processes.

I know the Department, the writers, were under a lot of pressure to get these things out, because it has taken so long. But the comment period was too short. We'd get drafts of this thing, and they want, and there was a request for comments back within a couple of days. And it was several times where there was a deadline set, well we are going to submit this permit for public comment... We, I think one time we got a draft of a permit on Monday, and they wanted to submit it to public comment on Friday that week. And once we got past that point, and made it clear that if the permit went out without agreement that we would contest it, then I think you know it settled down in that area.

Having been through this process multiple times, I was very clear with them that the final draft had to be virtually the final permit. When it went to public comment I didn't want it that he and I were still negotiating about terms in the permit. A couple times I got into that situation where the thirty-day public comment came and we still didn't have some of the things ironed out.

Man I've, we've gotten trapped into that too, where it went to public comment and they agreed and then it was updated or revised. In the meantime, we've got thirty days to settle this or not. And that's totally unacceptable as far as I'm concerned.

Although only one focus group participant identified the following concern, the incident is significant enough to include here. This participant experienced a significant delay between the date their operation permit was issued and the date they received a copy of their operation permit. This situation was resolved to the satisfaction of the participant.

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So when we got our permit and it was dated not when we physically got it into our hands, it was dated nine months prior when it was finished, you know, that kind of affected the renewal date. And that was all a phone call away, and it was all resolved.

Cost

Participants expressed concern about the costs associated with their air operation permit, including the cost of preparing the application and the cost of complying with new requirements included in the operation permit. The total cost estimates quoted by participants ranged from \$3,000 to \$100,000. Several, especially those from smaller businesses, suggested that the staff time required was excessive. A small business perspective is presented in the statements of two participants, below.

It seemed like the DNR is under the impression that everyone should have a [participant's name] on their staff that's working full time does nothing but environmental stuff. Small businesses - we just can't afford it. I do purchasing, I do engineering, I do environmental things. It is hard to keep track of it all the way the system is set up.

We started our process back in 1995 also. Actually, we started, the first time was in 1993 that I started. Different forms. All the instructions and things. Being a novice at this, because I have no experience with environmental requirements, I'm not an engineer or anything, so I had to learn this stuff. We are a small company, we are called [company name] today, but back then we were just [company name]. We are a small company and many of our people wear several hats. Quality, purchasing, and this are mine. During that process, I developed a book this thick with the Title 5 requirements. It took me many many many hours. Being salary, I did most of that on weekends. I'll tell you, I spent four months straight just gathering information and putting it on the disks.

Permit Content

Nearly all of the focus group participants described dissatisfaction with at least one aspect of the content of their operation permit. Most were concerned about the compliance demonstration, monitoring, record keeping, and reporting requirements. Others made statements concerning hazardous air pollutant emission limits, production limits, major versus synthetic minor status, permit complexity, lack of harmony in permit conditions between plants, errors, revisions, permit enforceability – state-only versus federal, compliance certification reports. These perspectives are summarized below.

Compliance Demonstration, Monitoring, Record Keeping & Reporting

The most commonly cited concerns related to permit content were the compliance demonstration, monitoring, record keeping, and reporting requirements. For many participants, this was the first time they had encountered such requirements, and for some this came as quite a surprise. Participants described these requirements as costly and burdensome, with no real benefit for the environment. One participant expressed the suspicion that such burdensome record keeping requirements were not really necessary to meet EPA requirements. The following comments capture these sentiments.

In addition to that, it felt like the program grew into more than its original intention, which at least in my perspective was really just supposed to be more of an administrative exercise to pull all your permits into one kind of master document. But we spent a bunch of time going over and putting new requirements in that were not carried forward from other permits. So, more so than just tying loose ends up, we ended up with a lot of new requirements that we didn't have before.

If you look at it, it has cost the companies money. It cost the company money by all the people to do the monitoring and record keeping. So no, it doesn't help you in your business at all.

When the permit finally came back to us though, we found that some of our boiler emissions the requirements there were nothing that we'd even looked at before. Other than doing a stack test for our original construction permit, we didn't have a clue that we were going to have to put in \$20,000 worth of monitoring equipment to monitor twenty-four hours a day. That was a surprise.

We had to change one chipper we also had to do monitoring – not twenty-four hours a day – but we have to do it every eight hours. That wasn't something we thought we'd have to do. We didn't have a clue about it.

Like [participant's name] said – the every eight hour requirements – there were a few things we had that were daily checks that were bumped up to every eight hours or eight hour frequency. And I did try to, because we operate on twelve hour shifts, our folks work seven to seven day shift and seven to seven night shift, I tried to get that loosened up to once per shift – it was just a little more conducive to our operation. But I think there was a move statewide on some of those things to have an eight-hour frequency on some of that monitoring. We were doing it to some extent or had requirements to do it and we had to increase to every eight-hour frequency, but it wasn't.

I guess the biggest thing is the monitoring, that when you get your permit back if you are not doing it now and all of a sudden they require every eight hours, reporting quarterly, semi-annually, annually. All the requirements that are built in, and there is nothing said about that until boom. Ok, your permit is ok and then you start reading it and it's like well how where who's gonna do all this? It's a lot of paperwork.

And I don't know about anybody else's case, but I think in our case, I kind of question the necessity of the frequency of some of the requirements. You have got a lot of processes where you are recording things per shift you know. Could some of those per shift things be daily? Could some of the daily stuff be weekly? Could some of the weekly stuff be monthly? I think the ... there are some nodding heads around the table. I think the frequency on a lot of the record keeping for compliance demonstration is pretty intensive and maybe down the line with the renewals that that can be pared down, I don't know.

I mean, I knew a lot of what the reporting requirements were going to be but there were some – especially on the quarterly level – that I was not aware of until I received the draft. And again, no one goes over that with you. You can read it, no problem, and you can ask any questions you want about it. But it's not like someone comes and explains it to you.

In our case, with [industry sector], I would say compared to five years ago I would say no, that they are not better. The requirements that we have now were the requirements that they had twenty years ago. Baghouse. Maybe we are doing things a little differently, or maybe the site is more neighbor friendly, as far as it looks better, small things we have done on our own, I mean just because of the whole environmental scene as it is now. But as far as the major emissions, I don't think so. We still have the baghouse that they had twenty years ago. We still have the same types of burner tune-ups that we had twenty years ago.

One other thing that is commonly a compliance demonstration tool is the continuous emission monitors (CEMs) for boiler. I don't know how it works for some people but um for us, we do it, we have it, but it's not making our operation, we don't operate our boiler any different or any better. We operate it to the best of its ability with or without the CEM. CEMs are very expensive. They are a ton of work, you know \$20,000 or \$30,000 stuck up on the stack. And fortunately, our maintenance supervisor is very electronically technically mechanically inclined. So, between the two of us we can calibrate, adjust the equipment, and I can do those reports ... It seems a little laborious for something that really in our case hasn't driven any environmental benefit, or you know, change for our process.

It's just a cumbersome job to maintain the records and keep them up all the time. And when you're in a, we're in a tough business. I don't know about these other guys, but everybody thinks they are in a tough business. But I know we're in a tough business. We have one hundred fifty three competitors in this area. The thing is though, that most of them are not in a nonattainment area, so they are at a one hundred ton level where we are at a twenty-five ton level. So we have to be a lot stricter. We have to keep more records, they don't have to do those things. So that's a cost that we have to incur to compete, which makes it difficult. Just keeping the records, you've gotta pay somebody to gather that information. Now we do get a lot of help out of our suppliers. The system has allowed us to take everything we purchase and just utilize that as our VOC emissions, ok. Which is real conservative, because that is certainly more than can possibly occur. The whole point of it is it's cumbersome. Now it may be that it accomplishes some great goals out there, which you know I'm not negative to that. I live here. I breathe here. I'm like everybody else, I'm concerned about it. It just seems that some of the detail required is hitting a tack with a sledgehammer. Just a lot of, lot of detail for the results. And that's just my opinion. But you've got to remember I'm a novice. I'm not a chemical engineer ok. So I view this stuff from a different perspective.

DRAFT

Those kinds of things are not helping the environment. Having someone write down a number every eight hours is not helping the environment.

What we always did is that, like determining reporting requirements and that type of thing, its always being threatened to us is that EPA requires this, if we don't do this ... and really they could never say where EPA required it. They could never show us in writing. I always felt that was kind of, I was wondering where that was coming from, you know that no that we can't do it that way, no one's ever done it this way. But eventually we get through it, and always, just that threat always seems to be there that no we have to do it this way. I always figured that's kind of an unfair tactic. You say something is there but you have nothing to document it, or prove it. I always think that's interesting.

Hazardous Air Pollutant Emission Limits

Several participants gave accounts of difficulties associated with the hazardous air pollutant emission limits established in their operation permits. One described frustrations due to changes associated with variance requirements. Others told about difficulties associated with what they perceived as overly restrictive or conservative interpretations of hazardous air pollutant emission regulations. These accounts are included below.

It was especially frustrating on our part because it involved a LAER variance from NR 445. The variance had been worked out back in '95 and then permits were starting to be written for foundries. What had been agreed changed. Permits were being written with a lot of additional requirements specifying what that variance would be, and that slowed things down.

I think that there was a section discussing NR 445 requirements in our permit, and we had some give and take on that with the Department, because what was originally worded went somewhat beyond what the code actually states. What we did was, we recommended was, just state the code as the code is stated in the book, and keep it flexible enough that if the code changes, which is a real good possibility, you know, that you just state that you will follow the requirements as set forth in NR 445, section da da da da da da. And I think that made it fair. We pay a penalty obviously because of our success. Because we are larger than a lot of our competitors. But that is the nature of the game, you know. And that's the way it is played.

They assume, if I have twenty hazardous air pollutants in a waste stream, they make me assume that it's one hundred percent of each one. And obviously the VOCs is going to be the highest. I'm not going to add them up. But it's absolutely ridiculous unless we monitor. Well who can? Nobody can afford to monitor constantly. But other, some other places, they use weight percents, because what we're dealing with, that is representative. And in fact it's interesting because some of the NESHAP regulations incorporate weight percent. Yet we couldn't argue the science, nor could we argue the NESHAP's correlation to get beyond it. And frankly, I do have to say that they did a really nice job, and we were able to deal with a lot of other issues, but I know we're at a disadvantage because of that. You win some, you lose some. That was a big one, we lost. And when they change the 445 limits, I am going to be very upset that I lost that one. I'll be coming back.

Production Limits

Many industries request limits to avoid major source status. In most cases, in order to satisfy federal enforceability criteria, such limits restrict facility production or schedule. The federal enforceability criteria include exceptions, however such exceptions require significant recordkeeping. These criteria were established in federal court decisions.

Several focus group participants, who had presumably requested such synthetic minor source limits, objected to the restrictions on facility production. An example of this view is provided below.

Like I said, VOCs is our major concern, which is a mold release that we use. It's a wax that we use in our process but yet, while, yet in the actual permit itself, what they're doing is limiting our production. Rather than limiting the amount of emissions of VOCs specifically, they're limiting our production. And it, that's fine if you're assuming that the amount of VOCs per ton of foam product is always stable. But it isn't.

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We're constantly driving it down. So why limit my production? Don't limit my production, limit my emissions.

Major v. Synthetic Minor Status

The following background information may be helpful in understanding the focus group participants' concerns and confusion about synthetic minor status. Industries with emissions above threshold levels are classified as major sources and are issued federal operating permits (FOPs). Industries with potential emissions above threshold levels may opt for synthetic minor status by accepting federally enforceable limitations to ensure their emissions do not exceed threshold levels. These industries become synthetic minor air emission sources when issued a federally-enforceable state operation permit (FESOP). Industries that do not have the potential to exceed emission threshold levels are natural minor sources and are issued state operation permits (SOPs.)

Several focus group participants spoke at length and with some degree of confusion, about the lack of incentives in the operation permit program for synthetic minor status. Some focus group participants expressed confusion about why record keeping requirements are not less burdensome for synthetic minor source permits than for major source permits. Some comments suggest confusion about whether or not it is possible to change from major source to synthetic minor source status. Others were dismayed that that synthetic minor source permits are federally enforceable. One participant expected an advantage in maintaining synthetic minor source status in avoiding future federal rule and in possibly generating emission credits, but so far has seen no real advantage. Another participant described some unanticipated consequences of changing from synthetic minor to major source status in an ozone nonattainment area. Although lengthy, some of their statements are included here to ensure the perspectives on this topic are well understood.

Record Keeping Requirements for FESOPs v. FOPs

Because I would like to get out [of major source status]. I don't think I'm ever going to get out. But if we try to, if our intention is to do pollution prevention and get down to the lowest level we can, what is our carrot to keep this Title V when we have to keep reporting and reporting and reporting? Or can we ever get out? That's just a question I have ... Is it cheaper if you are a major source? Is it cheaper to do and less record keeping to do a synthetic minor? And I'd like to know, and you don't have to answer this now, what are the different record keeping requirements for each? Are they the same or different. And the reason I ask that is if you take a synthetic minor and you take reductions limitations within your processes, is that beneficial because of the record keeping requirement goes way up? I don't know that answer. I have heard that if you are a major you have less record keeping and it's much easier. You may pay higher fees, but synthetic minor was supposed to be this ooo aaaa that's what you want to get. You want to take restrictions on your processes, but I'm not sure if that's correct. These are kind of gee whiz things.

FESOPs are Federally Enforceable

Right. The advantage supposedly being that majors were federally enforceable, minors weren't. But anybody will tell you that the minors are still federally enforceable too, so that's what I understood to be the main significant advantage of minor versus major. The disadvantage of the minor is you end up doing more record keeping to show you are below those levels that you said you were going to be. We had applied as a major because we are adjacent facilities that make everything, you have to add everything together for your facility total and one of those three facilities could be major. We ended up in the end of the process taking a limitation to be minor simply because it was an operational thing we were never going to do, so it was a totally acceptable limitation. And I asked when our permits were all done, I asked our permit writer what would have been different for this being major versus minor and they said there would have been no differences in the record keeping, so I don't know. I think what that, I think, meant was we pretty much have all the record keeping we could possibly have with the major as it was, so we didn't downgrade, we didn't really add any by going minor. But that's just our case.

FESOPs Avoid Future Federal Regulations, Generate Emission Credits

I think even along those lines, is there is a perceived benefit for a synthetic minor, although I don't think we have realized it yet. Because one of two of our plants are major source, one synthetic minor, because we took out all the wet spray painting operations. We are hoping that down the road there will be some, you keep on hearing that there are regulations that EPA has that will just apply to major sources, and synthetic minor would be exempt from that. We haven't, in all of our requirements, there hasn't been any yet. Plus, the other thing for that plant we are looking at by limiting to synthetic minor status, we may actually also generate some air emission credits, which have some value.

I think that, you know, that when the idea of synthetic minor came out, it was an idea that, you know, it would be easier to, it would be easier to administer from an industrial standpoint the permit, and possibly from the Department's standpoint. I'm not sure. But you know, I don't see a lot of differences. It is all the same submission. From what I understood, we don't have a synthetic minor permit for, well we have had synthetic minor permits, but not under Part 70. The record keeping and all the other requirements are pretty much the same. I think that, you know, if an organization is a true synthetic minor, and typically a lot of time these are smaller sources, you know there should be some avenue there to streamline that a little bit. Especially in the record keeping area. You know if they are a synthetic minor, you know, what's wrong with monthly record keeping versus daily record keeping, if they can do it? Now for our type of operation probably, I don't know if it makes a lot of difference. We wind up monitoring because we have such a throughput of materials. We wind up monitoring them everyday anyway. We wouldn't be able to monitor them decently if we didn't do it that way. But you know, there should be some, I think that there should be, it would be good to have some incentives in terms of the synthetic minor. And I think what that would do to, is that would, that would provide an incentive for companies to reduce their pollution to get into that synthetic minor status, you know. I mean, if I was a, you know we have, we have, ah. One of the plants which is still up for Part 70, probably could very easily apply for synthetic minor status, or has a potential for that. Now if I could get some kind of relief in terms of record keeping, or something along those lines, you know, it would certainly be an incentive for me to lobby and pressure my people to achieve that status, you know, because it is extra work. You know, I mean it is extra work to get those emissions down. Often times it costs more money to get those emissions down in terms of material substitution, because a lot of the materials are more expensive, and so forth, and so on. The monitoring is a little tighter once in a while. You know I, it would be nice to see something, and I haven't seen any advantages to synthetic minor status.

Changing from FESOP to FOP

There's a quirk there, and there's a quirk, and we got caught in this, and I don't know if it's still there or not. We wanted to go from a synthetic minor status to a major source status a few years ago on one of our plants. And we were told we couldn't do it because if you were synthetic minor in a nonattainment zone, anything that could result in you becoming a major source needed to be offset and LAERed. And I'm not sure, and that was in the Federal, that was buried in I think in about a 1980, some odd federal regulation. I think that thing still sits in there. So there is a, you know, there is some dis-, you gotta be careful in there. So because of that, we have never pursued synthetic minor status.

Permit Complexity

Several participants objected to the complexity of their operation permits. They described the permit language, especially the language on rolling averages, as too long, too bureaucratic, too much "legalese". These views are set out clearly in the comments included below.

And also a line of where, you know, when you want something, say it in plain language. None of us are attorneys. Even attorneys can't interpret it sometimes. So I mean, I think it is necessary that they do that, and I think it would make life a lot easier just to be more simple.

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Well you know what I think is wrong, you know getting these permits or renewing them or whatever even reporting at the end of the year, does the language have to be so complicated? That's one of my comments, is that it's legalese. I mean the language is so convoluted and even when you call the people, and well I call [permit engineer]. "[Permit engineer], now what does this mean?" She'll sit down and tell me. "Well why don't they write that down [permit engineer]? That's real simple."

And there's calculations here, a whole page, and it's really, see here they have taken some calculations and I think they try to make them generic. But if I narrow it down, it's simply one boiler plus the other boiler and that's my monthly usage, and then I do a 12 month rolling average, by dividing by 12 total months. But yet they need a whole page to say that.

And then also, I think the process is just too complex. There are others who are in the same business as we are elsewhere in the country, and they'll show us a permit and it might be two pages, and ours is about fifty.

Harmonize Permit Conditions Between Plants

Several participants remarked that they preferred that the conditions in the operation permits for several facilities under the same ownership include similar requirements. Although some had success in achieving this goal, others encountered difficulties in their attempts to harmonize the conditions in several different operation permits. This experience is captured succinctly in the comments of one participant included below.

The other thing that we always like to do, is we have three [industry sector] plants in the [city name] area, and they are all under the same, pretty much the same management team, and people can move from plant to plant. So one of our goals is to have our requirements be almost identical, because it is pretty much the same plants. And the one plant is older than the other so you can't always do that exactly the same, but how you make sure your filters are working properly everyday, we'd like to do the same thing at every plant. And that was difficult for us to do.

Errors

Three of the focus group participants experienced difficulty in addressing errors discovered in draft permit documents. One described an incident involving a failure to include an NSPS rate-based limit in the draft permit. In another case, a participant expressed concern about gaining access to draft documents and then discovering a significant number of errors. One described a problem with inconsistent identification numbers for emission units from one permit to the next. Their statements are included below.

Some other things we hit were in draft permits failure to recognize, in this case specific NSPS standards that applied, and instead of putting in rate based limits, putting in mass emission rates on an hourly basis. So in effect they didn't reference the rate based limits that say you are allowed so many pounds per million BTUs particulate. Well, they give you a flat pound per hour based on your highest operating weight rate, theoretically you could violate then at the low end. We had to go to the point of saying we will not accept this permit unless you change it back, because the minute you do EPA will sue us.

The one thing, though, is that we are concerned about the last draft is that they weren't going to let us review it, the permit draft, before it is submitted [for public comment] ... And quite truthfully, I think we found eighty-five errors in the permit. ... It was significant number. And quite truthfully, pages were ripped off and said, well we don't need that because that's back here. And, you know, we went through it, so, I mean, we were concerned why weren't we going to get to see it before it's going to be submitted if we're the people who are going to live with it, ok? We wanted to make sure it was correct and the same understanding we have. That was a concern that we have.

There have been a couple of cases, I guess in Wisconsin here, and not, I guess, generally with the emissions permit. But like a source, a boiler B22, or something like that is noted on our permit, but in some of their locations that wasn't true. The same boiler would be given a completely different identification on other permits or some other part of the regulations.

Revisions

Some of the participants shared comments about the inflexible nature of permit requirements and the difficulty involved in having them revised. An example is included below.

I guess my whole thing with the whole operation permit is I had one idea the operation permit is so black and white, there's no, once you have that permit its so hard to get something changed. Equipment breaks down things. Ours last for five years you know and then they get renewed. Five years is a long time. With rapidly changing industries processes change, equipment change, maybe you've got this operation permit and now two years later you really feel maybe this isn't the best choice I could have make, maybe I could make something a little bit economical or a little bit friendlier to the process. It is so hard to get those things changed.

Permit Enforceability - State-Only v. Federal

As required in the operation permit rules, the operation permit conditions that are state-only enforceable are specifically marked as such. The unmarked conditions are federally enforceable. Several participants expressed concern about the identification of permit conditions as state-only enforceable or federally enforceable. The participants expressed an interest in gaining certainty about which of their permit conditions are federally enforceable and in limiting their exposure to federal enforcement actions. Several statements to that effect are included below.

Another one was we really had to push for the state to identify state-only requirements in the permit and it seemed like that was a new push for them. For people to say, you know, this is only a state-only versus federal requirement. It really pushed them to identify in the permit those conditions that could only be enforced by the state. Because if you don't do that in the permit, once it is issued anything that is in that document that is not identified as state-only, EPA can also enforce against. So you open yourself up to a whole lot more liability. It just seems, for being as far along as the program was, when we got into writing our permits that shouldn't have been as big an issue as it was.

Well correct me if I'm wrong, but aren't there some issues between the federal EPA and Wisconsin DNR about what portions or functions each one of them has responsibility for and can administer? Because we got involved in exactly the same thing, like coming to who was enforcing certain portions of our permit. I'm still not clear on that. Yea. It's always kind of this dark shadow out there that's waiting to pounce on us.

And that was one of the issues that there was a substantial amount of discussion on, and we, that we asked for clarification on about what portions of, and who was responsible. I think there's some area of confusion.

To build upon that too, when you ask your permit review engineer what are state-only requirements and what does the SIP include, they refer to an old memo prepared by [DNR staff person] years ago, and I think that's still the list they are working off of.

And that's also an issue too with the Part II, certifying on Part II. Because right now there is no way of identifying the Part II requirements which are state-only and which are not state-only so you may be certifying on something and not identifying it as a state-only requirement, and EPA will be able to step in and enforce.

Compliance Certification

Although only one focus group participant identified this concern, it seemed significant enough to include here. Specifically, the participant reported concerns about the ability to certify compliance with conditions in Part II of their permit. The participant's statement on this subject is included below.

The other thing that I have run into is the monitoring and compliance certification reports and how that interfaces with the Part II requirements. That's an issue we are currently trying to work through with the DNR staff and legal staff, and once again there has been inconsistent application. Some of the Part II requirements, if you read them very carefully, do not lend themselves to certification because there are some instances you have no way of certifying you are in compliance with all of those as they are currently written.

Permit Writer

Some of the focus group participants described difficulty working with their DNR permit writer. Several indicated that communication was difficult. Others expressed concern about their permit writer's lack of knowledge about their industry or their specific plant operations. Some even went so far as to suggest that the DNR staff they worked with had an anti-business bias. The most striking of these comments are included below.

Communication

Although many participants reported that communication with their permit writer worked well, several described a more difficult experience.

I would say that in the permit process. Keeping communication lines open somehow. We found ourselves when we had questions trying to get a hold of [permit writer] sometimes difficult because he is a very busy man and we understand that. But nevertheless, when we needed a question answered or sometimes it would take us a week to get back with him even though we would put it on his voice mail. Maybe the correct answer is more personnel. I'm not sure if that is the right direction. I mean it sounds easy to do. I know it's not easy to do. But I know he was overwhelmed with his job because when we can't get a hold of him after repeated phone calls, and he can't, you know, he had the same problem. Trying to get a hold of us. We are never at our desk either. How do we open that up? Whether that is changing the standard to email? And we started doing this with our [permit writer], we did it with [permit writer] is email. Everything with email and making that an acceptable standard. And I believe for the DNR that is an acceptable, as far as time/date stamps when the permits are due. And that's ok. But nevertheless when we started the process, that wasn't opened up to us as an option until later on.

In that case, the consultant, we gave him the base information. At that point in time he detached from us and only dealt with our headquarters and the permit writer and somehow left us, myself and my air team, out of the loop. And we had no idea what they were doing. We'd make phone calls, and that was part of the call [permit writer], and played a lot of phone tag with [permit writer], and called headquarters and we had the same problem there. We got left out of the loop.

Submitting our renewals on a timely basis, but not really knowing. When we, all of a sudden we get a phone call and a site visit's planned. But not really knowing where we are in the status of our permit renewals has always been a question. Sometimes you have to make phone calls to find out what the status is. And you would expect, maybe, a little bit better communication as far as status updates or at least knowing where you are in the queue.

It was one of those issues where I think the DNR offices were backed up and we supplied a fair amount of documentation. However we did continue to re-contact the offices and ask if there was something that was holding the process up, was there more information needed, and so on. I think part of what caused it is there was some changes taking place in various offices between air and the water groups. Some of the people were getting transferred in and out.

Knowledge of Industry

A lack of knowledge of an industry sector or of an individual plant's operations was identified as a problem by several focus group participants.

Even the plant, because where I got comments from the environmental people, where the person didn't come out, the permit writer did not understand the industrial processes for which the permit was being written. Which caused extra work both for the facility, and the permit writer, and our consultant involved, which you know cost us a lot more money. You know, one of the comments the permit writer asked, you know, we are making equipment because we are getting some daily limits in there to show that we are exempt from regulations. And they asked, "Well how do we know that you don't make all of those parts in one day?" And it's like the inside of a [product] you know, where you make produce one in 250 days a year or something. The fact that they even ask that question is ludicrous, you know. If we made it all in one day, and held it in inventory that long, my plant manager wouldn't have a job.

But probably the one issue that caused us a fair amount of time during the application review process was that the review engineer was not familiar with our operations. And in many instances they were proposing conditions in draft permits that could not be met because the process would just not operate that way and in some instances they would actually require you to operate the process in an unsafe manner. So obviously that has some pretty significant consequences.

Hours and hours of paperwork and development, and one of the problems we found too is the person that was assigned by DNR to come and help us with it, knew nothing about [industry sector]. And some of the things that he had written up after he left and came back to us, were wrong. Which we understood, because he was not familiar with our process and was trying to understand it. We had to go through it a second time with him just through the phone conversations to get some of the problems ironed out.

I think if you're report writers don't understand the process, particularly like in our case where we are talking an evaporative process, and keep you know how can you collect some of it in one area and you can't collect it in another. In fact there is a lot of different between a web press printing operation and a sheet fed printing operation. And how your latest advanced control technologies relate to both. Unless the person that is writing the permit really sees and understands what the differences are in the process, their assumption is that they are all the same and you should be able to take and treat them all the same. And you can't do that.

Anti-Business Bias

Two of the focus group participants suggested there was an anti-business sentiment among the DNR staff they worked with.

Yea, because I really think that when you do get your permit it shouldn't just be mailed to you. There should be a session at the very end that says, "Hello, we'd like to meet with [name of company] and we'd like to explain this to you", and that's not done. It's almost like it's anti-business. I mean I really have that feeling that they don't really care if there's a [industry type] business in northern Wisconsin. Here's your permit. You either do it or not. We're not going to help you with it.

In our case, I would say that I firmly believe that our field agent is anti-business. I firmly believe that. I think he looks for deep pockets. If I can get some money out of that company I'm going to get it.

Multiple Permit Writers

The desire to work with just one permit writer for all of their permit projects was expressed by several focus group participants, especially by those who had a good experience with that one permit writer. Some described concerns about having to re-educate each new permit writer they work with. Here is an example of this perspective.

One of our concerns is, unfortunately he is not doing any of our other permits. So I've got four plants and I know of at least two other fellows that have, that are supposed to write our permits. And I'm not sure who the third person is. So we're going to wind up, it will be interesting to see what happens. Because the other ones will be our screening plants and those are all very similar. And I'm not sure how that process is going to work. If we are going to wind up having to retread, you know, the same ground with each permit writer in the process.

Other Problem Areas Identified by Industry Representatives

The following areas identified by focus group participants were not noted by the majority of the participants, but did seem significant enough to include in this report. These perceived problem areas described below include: interface between construction and operation permit programs, after-the-fact construction permit violations, dispersion modeling analysis; permit application forms, renewal application confirmation letters, documentation of decisions, permit format, misplaced confidential application materials, and construction permit requirements.

Interface Between Construction & Operation Permit Programs

Two participants provided extensive comment on the perceived failure to consolidate all requirements into one permit document. This concern involves the interface between the construction permit and operation permit programs. Participants identified this as stemming from a US EPA interpretation of the construction permit program. More detail on this topic is included in some of the participants' statements below.

No. I've had, in fact I really wasn't in a hurry to get the operating permit. Most of our sources were able to operate under their existing permits and the Department had one of the big selling points of this when it started was this was supposed to mimic the water permit program where you would get one permit that would address your entire facility. But until we work out some of the issues with the new source review program and the construction permit program you are not going to have that. If anything this is actually going to be even more confusing. Because you are going to have an operating permit addressing your facilities and then as part of normal changes, growth, modifications, especially with the changes in EPA interpretations on the construction permit end, you are going to be going back for construction permits very routinely on some of these sources. So, your operating permit that you have is basically going to be superseded by your series of construction permits that you have. So its even going to be more confusing now to try and determine which sources in your operating permit that permit is actually covering, versus which sources have already undergone subsequent construction permitting activities and the operating permit conditions which have now been superseded by the construction permit out there. So it doesn't really make anything easier. If anything it makes it worse, because now you are going to have people who are maybe confused about which conditions they are required to be in compliance with, especially if you have some requirements in your operating permit which may not get transferred over to your construction permit and somehow you still have to deal with those. I'm not sure how much good, if anything, came out of the program. In retrospect, the intent of the program was good, but I think now that we have evolved to the next level, and until we see some type of reform in new source review on the federal level, this is just going to become more and more confusing. And it is just going to actually bog the Department down more instead of streamlining and making it more efficient. That's where I would like to see the Department focusing on, what can we do to streamline this whole construction permit – operation permit process and move forward to try and have something that is more meaningful and less confusing to facilities.

The other issue is a legal issue with DNR and the way the SIP is currently written, and the CONOP program, and the way EPA views the construction permit program. For those of you who get construction permits and need to roll them into CONOP permits or your operating permit, you need to ensure that all your conditions in your construction permit are correct and that they match what's in your operating permit. Because EPA currently views the construction permits to be a living document, they go on forever, even

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though DNR will take and roll them into an operating permit. So you could end up with a situation where you will have conditions in a construction permit that you have to meet, plus conditions in an operating permit that you have to meet. And I know that my discussions with Lloyd Eagan on this is that she is aware of it, and they are trying to fix it, but I'm not sure where that currently sits. In fact, DNR had given some very poor guidance early on in the process, in that if you don't like the conditions in your construction permit we'll re-write them in your operating permit. So you'll end up with conflicting conditions and according to EPA you need to be complying with those construction permits because they go on forever.

After-the-Fact Construction Permit

When asked whether they encountered any violations during the course of their operation permit review, many participants reported that construction permit violations were discovered during the review. As a result, several participants received enforcement letters from the Department. Participants explained their situations as follows.

Add to that some instances where you maybe found an un-permitted source. Or in our case we had some sources that did not carry a permit but those decisions were based on interpretations done back in the '80's. In the process, EPA's determinations and their process for making permit determinations has changed. We ended up with instead of what we thought would be just roll them into a permit ended up going through notice of violation, things like that.

Well, yes. Right. Bring them into the ... so, you know, trying to be conscientious, we bring them into the Title V process and you end up with a notice of violation. It didn't feel like a real constructive process. And it caused us and the Department staff to spend a lot of time spinning wheels, frankly, that I don't think contributed to a whole lot. We kind of ended up at the same point we would have if we had just kept going down the process of bringing them into the Title V permit.

There is a fair amount of time spent looking back at facilities and asking for the history of the sources within a facility. And we also ended up, as part of the Title V process, with an NOV at one facility. It was kind of ironic because when the NOV was finally issued then that person dropped the Title V application review, and then somebody picked it up a number of years later. But that was definitely part of the intent of the process was to go back and review the history and determine if sources that needed to be permitted at the source had their permits and if not then to resolve it.

For us I think it boils down to timing and lack of feedback. If somebody had looked at the original permit application three or four years ago, and said you can't do this, we could have avoided a notice of violation and the legal entanglements that involved.

Dispersion Modeling Analysis

The Wisconsin air operation permit review process includes an air dispersion modeling analysis to determine the impact of facility emissions on ambient air quality. Several participants described difficulty working through this analysis. Some objected to the added time and cost associated with the analysis. Others highlighted the fact that other states do not include a dispersion modeling analysis in their operation permit programs. One participant expressed concern about a perceived change in modeling policy. Another participant voiced concern about the new dispersion model and whether it would force a re-opening of their operation permit. Examples of the comments on this subject are included below.

Plus the time frame. When we were going through ours every time I would call her or talk to her about it, well it's still in modeling. And it's like what, do they have 2 guys modeling for the whole state? Or I don't know what it is. It seems like that was part of the delay in the time frame.

With regard to modeling, I thought that the modeling at some of our facilities that DNR did was really not very thorough at all. In fact at one of our facilities that had received a Title V permit, and DNR had done the modeling and had given an ok, when we went back to do a construction permit at that facility and modeled the baseline sources just as what DNR had modeled, we had found that there were some areas that were not in compliance with the National Ambient Air Quality Standards. Luckily that was on with the natural gas fired boiler burning fuel oil and we had not fired that boiler burning fuel oil except for a couple of hours on annual basis to test it out. So from that standpoint I was a little disappointed with the modeling

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that the DNR had done because there were actually areas of noncompliance that they had not identified because they just didn't find those hot spots. So it was kind of a hit and miss modeling exercise. It did cause us some problems, and delayed our construction permit until we were able to address that situation. And we have now since then removed the fuel oil so that won't be an issue any more. So that was my experience with the modeling. Otherwise most of our sources are modeled pretty heavily as a result of construction permit activity. There usually isn't much issue there.

And one of them that just came up was modeling. Wisconsin did much more with modeling in the Title V process than any other state that we can find in the US did. Most states did not even touch air modeling. They assume the existing permit programs are going to handle that. Whereas Wisconsin went back and re-modeled every facility ... We spent probably over a year going through modeling exercises, well over \$50,000 in consulting fees. And essentially we built the Department a model for each plant. They kind of tried to do a quick and dirty job, threw up a bunch of flags, and we spent a bunch of time working back out and essentially building a model from scratch ... Well, they make a lot of simplifying assumptions to try and do a quick and dirty model, which in many cases there are no issues. But when there are issues you have to go back in and peel that out. But what was different is, nobody else seemed to try to do that with the Title V program. Nobody else being states that we could find.

Another one was we had modeled our facility and everything looked good and there was a change in how the Department went out and modeled surrounding facilities and included those, integrated those into ours. And they changed the distance at which they went out, and then it blew up on them. It was something that they hadn't included from one of our neighbors that caused a delay in our getting our permit.

So there's a new model that's going to be put out, or that's supposedly going to be put out. So we probably went through a one hundred fifty different modeling scenarios through this whole permit. Now they're going to change the model that we got that permit on, and whether or not that's going to open up the door. And the new chlorine limitations that may be coming down. Is that going to open our permit again, because if that happened, then we may have to do some other things which may require the operating permit to change. And we're saying, you know, "we don't know what good the operating permit is". Because to us, we can be opened up at any time. That's our concern, so.

Permit Application Forms

Several participants provided comments about problems they encountered with the operation permit application forms. One provided extensive comments and suggestions for improvement in the forms. Another described a difficulty encountered due to the lack of a billing address (for construction permits) and lack of a permit contact address on the application forms. (Note, permit application forms include the following fields: facility name and mailing address, facility location, parent corporation name and address, responsible official name and phone, permit contact person name and phone.) The third noted difficulties with electronic application disks. Their specific comments are included below.

A couple possible minor comments on the application nuts and bolts. Maybe some of the forms seemed like they could have used larger comment sections. There was a supplemental form, but I think it might have been hard sometimes for the reviewer to pull out a form and attach it to the form you were referring to. So larger comment sections on some of them might be more direct clarification for some of the process description or the units or whatever. And it seemed like some of the, a lot of times they give you drop down unit options, and yours just didn't exist, and you didn't have the option to put in an alternative. So if some of those forms, you could have unit options added to, you can say, you know, it is a board foot or it's a round or it's a whatever. Something I found curious, when I was writing our permit was, and I have mixed feelings about this but, you went through the whole compliance demonstration forms and you said this process is going to show compliance demonstration by this record keeping or this control. And I sent in those applications, and I felt like I just wrote the permit. You know what? That's what you guys are supposed to do! And I felt like I did all the work for you, which there's pros and cons to that. I felt like we did a lot of work, but I felt like we know our process better than, you know, a permit writer that has got to understand, you know, fifty different processes and facilities. And we got to propose our monitoring options or operating ranges, things like that. I guess if I have a constructive suggestion in that area, I think it could be, it might be possible to combine those forms and make them a narrative type proposal. It seems like some of those compliance demonstration things could be worked out in the permit negotiation

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stage. A possibility being, perhaps you could combine the controls form, with the compliance demonstration form, with the compliance status form. For every process, it would kick in forms for each one, and I think I could for one process in three sentences I could take care of all of that on one form. This is a control, this is the compliance demonstration, and yes it is or not it isn't currently in compliance. Then everybody gets their permit back, and gets their compliance demonstration requirements.

I don't know if in the permit application form or even on a construction permit, that if there could be a billing address and a point of contact separate from whoever this is. And then another question, who you want the permit mailed to, because that might be a different person than who is the signature authority on the front cover. 'Cause I'm not the signature authority, but I'm the guy who's got to hold the permit, ultimately.

The renewals that I've gotten, I have problems with the whole disk system because they're for very simple. If you'd get rid of the macros, I'd use the disks. When I managed a consulting firm, I banned them ... You did not use the disks because there were so many problems. It was too much loss in revenue and loss in time. If you'd get rid of the macros, I'd use the disks. With the macros, I won't. Of the four operating permit renewals that I've got, the renewals for in this last, you know, group, this 1994-5 group, only one of them worked. I had to call and get new disks and stuff. So three out of four would not load. And I end up calling to try to get, so. I wish that people would do a little bit more QC on them before they send out. That would help.

Letter confirming receipt of renewal applications

While expressing appreciation for the letter confirming receipt of their renewal for some of their facilities, one participant complained about not receiving such confirmations from the Department for their other facilities. Although this complaint was not expressed by others, it seemed significant enough to include here.

I know when, it is nice to get a letter back saying they received your renewal application. And I know I've, with the non-metallic aggregate, I got 'em for all three of our [industry sector], but the [different industry sector] we didn't get any acknowledgment back. Which granted, I sent it certified mail, I know they got it, but I would have liked that letter back saying we got your renewal application. I've requested it probably twenty times. I was told it was in the mail, and it just never came. I got them for the [industry sector] - its just a general letter but at least you have that document there and I've never received them on [different industry sector] end of the business.

Documentation of Decisions

One participant made statements alleging that the Department fails to provide adequate documentation of decisions made during the permit review process. Although this sentiment was voiced by only one participant, it was expressed in such strong terms that it seemed important to include in this report.

But one of the problems is there's never a paper trail when you work with the DNR in your permitting. We have to have paper trails and all I ask is please send paper ... timeline, what you're working on, so we know where they're at - because its phone calls back and forth to consultants - do you know where they're at, is this coming. Sometimes decisions are made on the other end, they tell you something on the telephone and when you get your permit it's not what they told you. So, paper trails would be very nice ... Many DNR people, and I don't care what department you talk to, are very reluctant to put anything on paper, extremely reluctant. I don't know if they think they are gonna be accountable ten years from now or what. If they're administering the law they need to stand by what they tell you, in your business that you can.

Permit Format

One participant strongly objected to the table format now used for most operation permits. The comments of this participant are included below, to further illustrate this perspective.

You really want to know? It's an awful format. I hate the table format. It's confusing. I would much prefer the old format where you laid the conditions out on a unit by unit, because people don't know, when you have the table, and you have three columns, you have a one in each column, and people don't know if those ones correspond to each other, or if they read it across. You are constantly flipping pages. It's awful.)

Misplaced Confidential Application Materials

Although only one focus group participant described such an experience, it seemed significant enough to include here. The confidential application material submitted by this participant was misplaced by the DNR. It was later located. See below for details.

The first one was though was kind of a rude welcome to the operating permit program. We submitted our application and probably about a week later I got a follow up call, "Thank you very much, but where's the confidential information package that you referenced?" And we were like, "Well it was in the separate envelope in the big box." "Well we don't have it. Could you send us a new one?" It's like, you do realize that's confidential information. You know. There was a reason it was separate and you are supposed to hang onto that. And I was just telling [participant name], it took a call, I forget if it was to a section head or a bureau chief, to get somebody to go look for that package of information. And they did finally locate it, so it had been misplaced. It could have easily ended up in a public information file. I know we have had experiences, I know, and I'm sure everybody has competitors do go and look in your public information file because there's lots of good information to gather there. Especially when things get misfiled, so I think one of them is, and we haven't had the problem since, but certainly as, I don't know if it has been necessary or if it has been done, but an awareness raising for department staff that some of this stuff that you are asking us to give you is pretty competitively secret and you know in a lot of cases we'll give more I think than we're comfortable with only because it's the best way to move through things quickly. So. That one ... Yea. Well you know when you've got a packet that has got production rates and additive trade names and things like that, that's fairly confidential stuff.

Construction Permit Requirements

Although the construction permit program itself was not the focus of this study, several participants expressed concern about this program. A summary of these comments is included in [Appendix B](#).

III.C. Industry Representatives' Comments on Consistency & Fairness

Focus group participants were specifically asked to comment on the consistency and fairness of their operation permit compared to operation permits issued to similar facilities in Wisconsin, and compared to those issued in other states. Their responses are summarized in two sections below.

Within Wisconsin

When asked whether they felt their operation permit was fair and consistent with those issued to similar industries in Wisconsin, many participants responded positively, but several pointed to inconsistencies in compliance demonstration and record keeping requirements. Other areas were identified as inconsistent by individual focus group participants. For example, one participant described an experience involving "insignificant emissions unit." Another participant was concerned that particulate matter emissions from aluminum foundry operations are not treated consistently across the state. Fugitive dust and malodorous emission control requirements were also identified by individuals as consistency problem areas. Several participants from southeast Wisconsin noted that their permit requirements are more burdensome than elsewhere in the state because they are located in an ozone

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nonattainment area. Many participants told us they reviewed permit documents posted on the DNR web site, to be sure their permit conditions were consistent with those in permits for similar industries.

Consistent & Fair

If you look at the [name of industry] industry across Wisconsin, I would say it is fair.

I haven't really had a chance to talk to anyone else in the foundry industry that has been through the permit process. But I would have to say, over the years, my experience with some of the other foundries, it is all pretty across the board. They all probably had to go through the same things we had to go through. As far as the record keeping, it is probably pretty much the same. We all run foundries, pretty much the same process with the melting and shakeout. Depending on some of the alloys that are poured, they might be a little more stringent or some of the laws with leaded alloys, and things of that nature. But otherwise, I would have to say that I think it's probably fair in the foundry industry. I haven't spoken to anyone in other states either, so that I couldn't answer.

To the best of my knowledge it is consistent and fair.

Well I think some of my operations people wouldn't think it's fair. But you know, given, you know, the mandates of the codes, and the clean air act, and so forth, and so on, I don't think it's an unfair permit.

The only real comparison I guess I can make is we have facilities in eight other states however our facility is the single largest [industry type] company anywhere in the country. So in [city name], we need all the permits that it seems like nobody else needs, but it's purely a size thing. We run thirty-seven presses, our next largest one runs twelve presses. You can't put out a lot of VOCs if you're only running water-based ink, which most of our facilities do. In our case, we run a fair amount of solvent-base along with the water-base, so I don't think that they're being unfair to us. In our case it is purely a size thing. We are the largest one in the country.

Back to even what's fair within a permit itself, and not even just the regulations, because as a permit writer you have to take the regulations and apply them, I think the things that I see that make a permit fair enough, is that it takes into account the regulatory requirements but gives the company enough flexibility to comply with it. Like we have gotten, in some permits for um you know determining are your filters working properly, good engineering practices. Where, if it gives some flexibility to say, all right this is how, the permit is not going to say you have to do ABC to get there, it is going to say this is what your end result is and then the plant has to come up with a plan as to how their control technology meets that, and how we do daily checks or pressure drops or whatever to get there. That would be a fair permit. The one that writes in you got to do pressure drop every eight hours, and it has got to be plus or minus this efficiency, or this or that especially when taken some of our plants are taken regulations that don't apply to our equipment and try to make it fit. One of the plants, one of the comments we made was just put in there. You have to have a malfunction and abatement plan to comply with that, because they both essentially say the exact same thing. And then the malfunction and abatement plan is reviewable by the compliance engineer who knows the facility very well. And also gives you a lot of flexibility so that when, three years from now, you change a booth and put a different technology in, you don't have to go through any permitting process – you're there already, you just put it in and change your plan. And I consider that, you know, I think for this discussion about permits, I consider that stuff fair.

And you guys, DNR was real good. They said, hey you don't like your permit engineer we'll get somebody else, just tell us. It's not working, there's no harm there's no hard feelings and our permit engineer even told us that. He said, you have a choice remember. If you don't like me let's get somebody else. Yea he did. I thought that was pretty fair. Pretty open and honest.

Inconsistent or Unfair

Compliance Demonstration, Monitoring, Record Keeping & Reporting

I'm told that comparing our business to another business in a different region it is stricter in this region than in another DNR region.

But I see a lot of inconsistency probably around the reporting thing. Whether it is how it is done, daily hourly weekly monthly and that type of thing. And our permit is written on an annual basis. That's what I can't figure out is that you know we are limited as a synthetic minor to 100 tons per year, whatever, so we're in compliance as long as we are under that 100 tons so who really and then the air inventory on top of it looks at every individual piece of equipment and so we are kind of doing duplicate things and with the only limitation being 100 tons per year. So what's the goal? That was always a challenge to iron out. And very inconsistent between plants. We have a lot of conference calls between our plants – what's your air engineer doing, mines doing this. Saying this or that. What do we want.

I think it's real inconsistent. We have multiple plants in the state and the lesson we had a couple of years ago when we started we had four or five locations in Wisconsin and just talking to them when they were writing permits is you know it's an interpretive thing. Where your local engineer and his section chief interprets is what you do. And we used it effectively to say hey, we have it somewhere else why can't we have it here. And I'll say the DNR in ninety nine percent of the cases cooperates. But they weren't even doing the same thing within their groups. You know we found that to be really true. So we very much compare notes now when we are going through the permit process on what we are doing. But we did see the inconsistency between ... A lot of it was around reporting, just like you said. If it had to be shift, daily, monthly and rolling averages versus that type of thing. And very much is we are big operations but we don't have dedicated environmental people. It is a part-time job to somebody and we wanted to automate it, and that type of thing, and have some type of simplified system to do it. So we didn't have people collecting data continuously, and there is where we saw some places they want the shift or the daily reporting and other places monthly was fine, a rolling average was good.

The first one has to deal with permit requirements for control devices on power boilers, electrostatic precipitators and scrubbers. There appears to be inconsistent application of those requirements in the state. [compliance demonstration and monitoring requirements]

Insignificant emissions unit

When the air inspection engineer came through we wrote up the air permit. It's just a maintenance spray booth for painting parts in the machine shop, a small operation. And when we got our permit we went through this and it was an insignificant source. But then when the inspection came, that guy said, "No. It's a paint booth. It falls under paint booths and it has to be permitted or taken out or quit painting or whatever." Its just a couple gallons of paint a month, a couple spray cans. We just did it for cleanliness, not to get spray paint all over. But it's in our permit. "It doesn't matter I see it differently." That's the feeling that I got, I didn't say that but that's the feeling that I have is that my interpretation is different than what your permit is. So I'm just sitting there, ok. You know we finally, it took us a couple of months to iron it out but we ironed it out. It's just a maintenance spray booth, we didn't have to have a permit for it. It was part of our incidental tonnage.

Aluminum Foundry Particulate Matter Emissions

Well that's a big concern of ours at [company name], because we know people in other parts of the state, where we have worked with the DNR and enclosed machines to figure out what kind of particulates and everything else we put out. And our competition, who does basically the same thing says we don't have any of those. And so therefore, they're not included in any of those particulate standards, but we are. So we believe that our permit is based a lot stricter than all our competition. So we're working with more hands tied than the other ... I think, you know, the foundry's biggest issue, I think, is the particulate. There is, you know, the EPA uses this Method 5. And Wisconsin requires the back half. That's an organic test. I

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know [company name] has got other facilities in Wisconsin. Two in a nonattainment area. There's things going on there. You know [company name] were having to spend a significant amount of capital to comply with the permit. I'm not sure what the other foundries having to comply with these permits is. I think we are one of the first. I'm not sure of that. I don't know how they were selected in order, who goes first.

Fugitive Dust Emissions

There has been some mention of road dust and road dust plans. So I am going to get on my soap box. It is a permit issue but it is inter-related with an inventory issue and a fee issue. And basically one big concern of mine for fugitive road dust emission issues is equal treatment. We have talked about that before. One, I think if a facility either has it as a permit condition or a fee condition there should be some guidelines set down ahead of time. Either facility rather than some arbitrary inclusion of because one regulator here or there thinks that this facility or that facility does or doesn't have excessive road dust emissions um. I would like to see it either based on a total acreage minimum or a linear miles or a surface type if you have this type of gravel or this type of sand or this type of whatever. Or industry guidance. It seems there should be some sort of equal treatment. Not just a subjective so and so is throwing it in here and there because. It also should be equal across time. You know it is not fair for one facility to be required to do this three years or five years before another facility down the line. In the manufacturing business it is also a competitive disadvantage you know if one facility is doing this the time, money, effort, and fees. You know it is a competitive disadvantage versus someone else who isn't doing it. I think that there's more important things for the regulators to be doing and for the environmental managers to be doing than the road dust issue. For example, we were looking at a draft that required us to record vehicle miles traveled on our facility monthly, and in order therefore to be calculated into the emission inventory and then to be billed for it. We could claim a fifty percent or a seventy five percent control efficiency based on if we did or didn't record our road watering activities and the precipitation. So being a diligent attempting person, since you are supposed to be doing your permit conditions the day you get your permit, I started this stuff two years before while I was waiting to get my permit any day now. And I was recording precipitation every time it rained. Every time I was home 40 miles away on a weekend when it rained I'm thinking ok how much is it raining down there today. And our maintenance people were recording road watering activities every time they applied water. Now in my opinion we are in Wisconsin, it is going to rain whenever it rains. When it doesn't rain we will water our roads. We water roads for operational reasons, for equipment reasons, for personnel reasons. My point is we are not going to change our activity because the permit says you have to do this and you have to record this. The end result is going to be the same. And the environmental consequences are going to be the same. So I think it is time consuming for the regulators and for the facilities and there's no environmental benefit for the record keeping and that type of thing. Also, it is those requirements are a terrible image buster both for the environmental managers and for the Department. Some environmental managers have to struggle to justify their validity or their importance or necessity at a facility. And you are going to kill me if you make me go and tell eight department managers you need to record how many miles that forklift, how many times you have delivery trucks and receiving trucks in, and how many wheels they do and don't have, so that I can record this monthly. Plus you create hundreds of data points that are potential omission of them are potential violations. Also, I don't think it does any good for the DNR's image in that the facilities know then they go out to the public then you get the perception doesn't the DNR have anything better to do than to count the number of miles we drive on our facility. It's my opinion that it doesn't do anybody any good to pursue that. And I think if I know the fee issue has been on again off again function of the road dust, and I think if it is on again I hope that if it is an on again issue and they are looking at implementing fees for the road dust emissions again, in the future, I actually hope that the Department gets their well deserved uproar on their hands that they should have on that issue. I understand the reason for the desire to have the fees on the road dust being that the regulators have encouraged the facilities to reduce their emissions. The regulated facilities have responded and reduced their emissions. Now the bureau is not getting the emission fees that they were getting in the past therefore they have a shortfall in funding the bureau. So I understand the cause and effect, and I guess it is my opinion that the emissions have gone down over time, hopefully the administrative costs should go down too. I realize that's not the likely case, but it is also my opinion that if the regulators have encouraged the reductions and the regulated facilities have responded with reductions, then the burden of cost for administering the program as a whole goes back to the public in one way shape or form. That's the way I think it should be. The offset should come back.

Malodorous Emissions

Specific to our case, but another example of subjectivity in my opinion, is odor issues and the malodorous regulations. And I realize that's not directly related it doesn't initiate with the permit process because you had the malodorous regulations you know independent of the permitting process. And the malodorous regulations right in them are written subjectively you know. Deemed excessive or deemed malodorous if the regulator thinks it is. You know. That's just right there in those words. It's wide open. And I don't know. I guess I'm kind of a quantitative type of person you know, so I have a tough time dealing with that. In general, I just have a tough time dealing with you know open ended options where it can be up to a regulator's say so, because it is inevitably going to vary. And allows for inequities. It is an issue.

Ozone Non-Attainment Area Requirements

The biggest difference that I can see is between the attainment and the nonattainment areas. And then you start talking about competitive nature. There are things that we can do, there are certain commodities and products that we can do in one plant that we can't even talk about doing in one, just because of the location. And the process isn't that much different.

Yea. Um. I have no way of measuring whether it is fair. We have been through the process. The rules and the regulations are there. So it wouldn't be any different someplace else than we are here. I mean, the rules are there. And we're trying to fulfill those. So to say it is any more fair in one place or another, I don't know. What is difficult, is the difference between the attainment and nonattainment. The only difficulty there is that your costs in a nonattainment area rise. They are less competitive, because you have to control the VOCs. So you have to purchase, such as you were saying, inks that have different makeups. And those makeups change the cost of that ink. My competitor in Fond du Lac for example. There's not just a competitor, we have a plant in Fond du Lac. They have 100 tons, we have 25. So certainly there are going to be some differences in the requirements. And we have those. Now, is that fair or unfair. Well, what we are trying to do is get the area down to attainment area. Off the nonattainment list. But will that change anything? That's the question in my mind, will it change anything? Or will we still be under these same pressures, these same requirements, to maintain so much administrative duties. If you want to change equipment in your plant, you got to go out and get a construction permit if it affects printing. Well here we are in a plant ... I'm in a plant where we are taking out printing equipment, we are going to put a piece back. Well the piece back is new. The stuff going out is although you are reducing it, doesn't matter. You got new equipment going in there. You're going to have to go through this crap again. So that's what we have to do. Is it fair. I don't know how you would say it is fair or not. I don't know how to measure that, you know. I just know that it's in the book. Is it fair? Well, if the guy down the street is in the same business I am he's got to go through that same thing, we would be fair, right? So that's a hard question to answer.

I think its in a nonattainment area its probably fair from company to company. We always have an issue in competitiveness, when you get someone who's not in the area. We are, it is fortunate for [company name] though, that we are pretty much in a niche all by ourselves. There's only about two other companies nationally that do what we do. So again we lucked out. One of them is in California, so maybe they don't luck out. [laughter.] Maybe we are the lucky ones in that. But you know, we agree with that. It would be nice if it was across the board for all plants and if it was fairly the same. We shouldn't be assessed any rules or moneys because of that, because we are in Milwaukee. Because that's where our ownership started in 1923 and that's where we are today. You know its easy, I shouldn't say, today it is easy to move companies. But why would we want to move? We like it here. We like the employees. We generate family business. We generate families in our business, and we want to stay that way. We want to stay a family business. But we wouldn't want outside sources or interests like the DNR to force us to say, why don't we just move to Tennessee, you know, move to central Illinois.

Outside Wisconsin

When asked whether their operation permit was consistent with those issued to similar industries in other states, participants provided a wide range of comments. Some explained their Wisconsin permit was less restrictive than permits for their plants in other states. But most participants told us that Wisconsin permits are longer, more complicated, include dispersion modeling analysis not conducted in some other states, and include more burdensome compliance demonstration, monitoring, and record keeping requirements. In all, the focus group

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participants provided comments comparing Wisconsin operation permits to those issued in 10 other states, including: Arkansas, California, Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, North Carolina, and Texas. A sampling of these comments is included below.

Well, as I said, we've got factories doing the same type of production in many states across the country. So we get to compare notes a lot of times with the regulatory issues. We in [city name] actually enjoy some of the loosest limits within our corporation. We happen to be situated, luckily, in an attainment area, which helps. Our, VOCs is the main emissions from our process, right? That's the main thing that we're concerned with. And we've refined the process to the point where, we'd almost half to try to exceed our limits. We'd almost half to do it on purpose. I don't think it's possible for us to do it, which, that's fine. We're comfortable with that. And because of cost, we're constantly reducing our output of VOCs because obviously it affects our bottom line. So it's in our best interest, financially, to keep reducing the emissions. But we're happy. Now compared to a lot of the other plants that we have in the states, they have much tougher permit conditions and limits. For examples, I know that we have a plant in [city name], Missouri which is just outside [city name]. I think their permit is limited to one hundred tons of VOCs. Or it may be seventy-five, come to think of it, which is just about impossible to meet with the technology we use. So they have had to change their process significantly. And they have had costs to stay underneath that limit. So. And I don't want to get into the foreign operations because that's a whole nother bag of snakes. But, no, we're quite satisfied.

I had a fair amount of experience with neighboring states and their permitting processes are fairly similar to what we see in Wisconsin or what I experience but I have not had a whole lot of experience with other industries in northern Wisconsin so it sounds fairly similar I guess.

I guess I have seen quite a few different permits. I've seen [list of company names], they all have them. I think ours is pretty fair. I think we are way ahead of the gamut as far as controlling everything but I don't know what if the DNR has controlled too much. The state of Wisconsin. Other facilities don't have to regulate as many things as we do. Other states. So it makes it easier for them, they go we never had to do that but we are doing it here. I think I was one of the first people in the [company name] to get a permit for title V. So everyone was coming to me saying well show me yours, can you fax it to me, you know we didn't have email at that time. Can you fax it to me, can you send me a copy and we would help each other that way. And they could see what was up and coming which is really helpful. As far as consistency, I worked at about ten different states doing permits, all around the Midwest, and I've done part, I've assisted one in California. They are different, every state is different. They all have different names, some are synthetic minor some are FESOP, just tons of names. They are all slightly different. They all have different interpretations of the EPA regulations. They are close but we couldn't use one standard for, we couldn't use one standard for every state. We had to go different. Some were as, we have to be as strict as EPA but you can be states can be stricter so some states were stricter and it made it very complicated as far as ok remember that Indiana is really critical on this and you know Minnesota is easy, Iowa is easy. Certain things you just look at them and you say you know which ones were, you know we had to figure that all out. It wasn't laid out very easily. But I think networking is the best way to work for improvements.

My new environmental manager at headquarters came from the Texas DNR. That's why [company name] hired him. Get that insight, that governmental insight. They brought him aboard and he worked in the air program for a couple years down there. And after reviewing our permit and we sat down and went line by line through it, he thought we were very middle of the pack from what he has seen. As far as Wisconsin, he said if you get into California and certain other states that go into constant stack monitoring where it's a requirement all the time, as far as how other permits are written, he believes that Wisconsin is very middle of the pack. Light years of like Arkansas, possibly Iowa, I don't know about that. But from the other permits he's had to review, he believes this is on the right track as far as EPA guidance has been given. And that Wisconsin is moving forward, trying to do the right thing. He believes us to be very parallel to what he interprets Texas. Texas has a mindset about the EPA regulations. But when he saw this, he said, well, I don't understand it. But he said as far as program requirements, he didn't, he had problems because it went from one format to another. And after we walked through it, he was able to grasp and understand what the commitments were that the state was asking us to make as far as this permit renewal. After we went through it, he was very aligned with the fact that we're doing very well in Wisconsin as far as air permitting meeting the federal requirements in these permits.

I also do audits for other U.S. operations. And I would say that our permit is pretty close to what California has. We've got some tight regulations and specifications out there. However, our other facilities in Missouri, Arkansas, our North Carolina plant just received their '95 air permit and it's just one page. And it basically says, you know, do good house keeping. Literally. There's no limits on anything. It says that if you use a, it specifically gave examples. If you use a rag and some solvent to wipe up, then make sure you put it in a container with a lid. That's it. It's crazy. And you've got, so from a competition standpoint, I mean, we always felt that in Wisconsin we were being burdened because we are using a lot of compliant water-based coating. It's more expensive. It takes longer to cure. And our costs getting kicked up. And the southern half of the country, so to speak, seems to be business as usual. Their costs are lower than ours. Puts us at a disadvantage. I think it's still there today. You know, from a fairness standpoint, I don't think you see that consistency from state to state to state. I would say ourselves and California are coming pretty close.

I had the opportunity to review a Title V operating permit for one of our mills in the state of Texas and that was an extremely, ah it seemed like a paperwork exercise. I think the state of Texas liked their state issued permits and they did some sort of a Title V program just because the federal government said they had to. And it just referenced the state permits. And I read through it and I couldn't figure it out. I couldn't understand what it was saying. It just incorporated a number of things by reference. It just seemed like an exercise in paperwork.

And one of them that just came up was modeling. Wisconsin did much more with modeling in the Title V process than any other state that we can find in the US did. Most states did not even touch air modeling. They assume the existing permit programs are going to handle that. Whereas, Wisconsin went back and re-modeled every facility.

We've got several mills in this area, two that are very similar in size that I deal with on a regular basis – one is in [city name], MI in the eastern UP and the other is in [city name], MN just north of [city name]. In comparing notes with those folks, and all three mills produce the same products and are about the same production capacity and we've got the most restrictive operating permit of the three. The other mills that we've got in the region are larger in size – we've got one in [city name], Wisconsin and one in [city name], MI – but they are quite a bit larger so it is tough to make that comparison. We do have more monitoring requirements and recordkeeping requirements than either of those two sister mills.

I think the most important part of that to follow up on, is the trust issue. In our eyes, with the DNR, there is that level of trust. I do feel that there is a common goal to make it right, not so much from the DNR to find something wrong and fine you, penalize you for it right away. Within other environmental, in other states that we deal with, it might be more that way. And speaking frankly, with EPA, it is that way. And even EPA, region to region, is incredibly different. And this region is the worst. You know. From all we deal in. And I know you guys are probably under more scrutiny by EPA than we are, but sometimes now, that antagonistic point of view comes across as EPA is going to inspect us, the regulated community, to show you, that you are not doing, that they don't think you are doing your job as well as you should. But at the end, we get hurt then. I don't know that in this group we can solve that, but that's a fact.

III.D. Recommendations from Industry Representatives

When asked for additional recommendations to improve the operation permit program, participants provided suggestions pertaining to permit content, permit writers, compliance certification reports, and guidance. Specifically, participants made the following recommendations concerning permit content: switch to MS Word, highlight changes in permit requirements, combine emissions units into one table, establish standard permit conditions, and incorporate Environmental Management Systems into permits. With regard to permit writers, participants recommended that they be provided with industry sector training and that the Department hire more permit writers. Participants offered the following suggestions concerning compliance certification report requirements: provide a standard format for compliance certification and monitoring reports, provide notification of deadlines for compliance certification reports, and combine compliance certification and emission inventory reporting. Participants provided many recommendations concerning guidance, specifically: provide line-by-line explanation of permit requirements, provide software for industry record keeping, improve the organization of the air internet site, provide guidance on LACT proposals, provide guidance for dust suppression plans, provide guidance for estimating emissions, provide guidance the overall operation permit program, establish "easy"

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thresholds levels for insignificant units, and simplify permit application forms. The specific recommendations are detailed below in the words of the participants.

Permit Content

Switch to MS Word

Switch to Word. Word I think is industry standard. I think that lawyers and EPA use Word Perfect. But even your own permit writers who are trying to add a column onto your Word Perfect, and they have Word Perfect, are having a hard time. That's the exact reason why our inspector hasn't documented it and when they have to tweak our, if we have a modification to an operating permit, it's extremely difficult, after you've changed it a few times. And I'm not an IS expert, I don't know why, I do know that your own permit writers are having trouble with it themselves.

And I also agree with changing over, probably, to Word. I know that might be a little bit difficult to do because there's probably a lot of systems that need to change in order to go do that. We have just gone to Word from old Lotus programs. Lotus AmPro. And our whole world has become a lot easier to use, actually a lot easier to use.

From a resource standpoint, I don't know what you have internally. I know you're not going to get a ton of money for people, but I think there are a couple things that would make it easier for your people to get out in an hour. I think, A, a lot of people, and I just talked to a couple of them within the last two weeks, are struggling, and we talked about it, with dealing with your Word Perfect format. Modifying it. I know personally, I have a heck of a time turning it into my monitoring reports. One hundred thirty eight pages of a landscape table in Word Perfect going to Word is not a pretty thing. And they're having a hard time. And sometimes you'll find them spending six, seven, eight, ten hours on a format thing. They're not even giving us anything for that. And it's frustrating to them.

Highlight Changes in Permit Requirements

So one of the things I'd like to see in the future, I guess, would be, a little bit of frustration was, any changes that were made to requirements on the permit aren't necessarily highlighted, or, you know, they don't stand out. And so it became a very confusing point for us. And we got to the point where we almost (?211) falling out of compliance because we weren't able to keep up with some of the changes.

Maybe in the draft. Maybe one of the requirements, could be, in the draft permit that you have a change/strike feature, just like you do when you are drafting rules. Yeah. We got that from [permit writer] when we wrote our permit, because we had four different versions. And he did that for us each time. You see, that would be really nice. 'Cause, yeah, you look at it and you go, "hmmm. It doesn't look like anything's changed."

Combine Emissions Units Into One Table

But if you have multiple sources that are similar, to just throw it in as, you know, hey, "P1, P2, P3 all have these" instead of P1, P2, P3. Just makes your permit shorter. And they're all regulated the same. It would be a lot easier.

Establish Standard Permit Conditions

I think it would be great if the DNR could have drop in statements for specific type processes that everybody does: boilers, painting processes. And I know I'm talking about unique ones but painting processes if they use enamel paint ok this is a drop in clause they use so everybody is saying the same thing and the statements are consistent.

Incorporate EMSs into Permits

There was just talk about using your environmental management system. A lot of companies get ISO 14,000 certified. Somehow incorporating that into permit writing. Save somebody some time.

Permit Writers

Industry Sector Training for Permit Writers

Quite a few years ago, let me just tell you a little process that took place a few years ago with [printing sector specialist]. Again, the printing sector is, that, he had made arrangements for permit writers that take care of, and I don't know if it was all permit writers, but permit writers that took care of the printing industry and that kind of stuff, and we had gotten them all together, and you might remember this too, at the Milwaukee Graphic Arts Institute, and kind of gave them some instruction about what printing is about, and what is letter press, and offset, and gravure, and silk screening, and why do those kind of industries need to use the type of chemistries that they use. So, as I look at some of the other industries that are at the table today, maybe that's something that the, there's a local college or a, again a consortium of businesses that can get together just to inform them that, oh this is, this is what takes place at a papermaking facility, or this is what takes place when you are making malt, however that is done I don't know. [laughter] It tastes good. [laughter] And that kind of stuff for foundries. Because I guess, if I was a permit writer, I would be going, "I have no idea. I have a great engineering background. I know engineering, but I have no knowledge of your processes and why you need to do those things." So education on their part is so important.

Only the, on that same line of having, the SED representative came in when we had some of our testing, and he seemed more knowledgeable of the foundry industry. Then the permit writer came from Madison, and knew nothing about foundries. You could tell he was lost in the conversation. And as he went back and wrote up some comments, and submitted them to us, we knew that they were wrong, and had to get back to him and explain it a second time. And I don't know, if we would have worked with this SED DNR, if that would have happened. Um, and the same person that came out of this office, came and did our inspection a few weeks ago. And again, he seemed very familiar with the plant, even though he was there a short time for the stack testing. And we went through all the record keeping notes, and he was very helpful. Also, as far as if we had any problems, we could contact him even with the reporting requirements. Whereas the Madison unit never offered assistance, and I think it is because he was kind of lost when it came to foundries, the foundry industry.

And maybe something to consider in addition to resources, developing expertise in certain industry areas, because if you have a question about match chemicals or waste handling or whatever you are dealing with, having somebody with expertise on industry practices, EPA guidance, whatever ... I keep going back to [name of DNR engineer]. We lost [name of DNR engineer], but he was a great combustion person. He was a real asset to the DNR. We need to see those kind of people so that we don't have to spend hours and hours of time explaining to somebody, you know, this is how it really works.

But what I would like to see is, again, the education of the Department. Sending someone, I don't know if they actually come and review it with you, um, that's knowledgeable of the foundry business, or to work with the same person that we had from SED. Maybe assign people to certain industries or areas or businesses that continue throughout the permit process. So we don't have changeover every time we have to go through, explaining your whole company's business, and background, and the processes.

Need More DNR Staff

The big R word. Resources. It's resources. Having good, good staff. And I'm not just talking, the current staff is good. More staff because we have a lot of issues. For us we have a lot of issues that, well, we just went through a section 114 request, which is, if you guys don't know, the EPA can ask you to send all historical data going back twenty five years because they want to look at your information and see if there

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are any compliance issues. And we had to go through that. What we're doing now, we're CYA in everything. So if we do anything that reeks just a little bit of modification, or is a little bit questionable, we're sending a letter to the DNR. Please tell us what your position is. Because we don't want to get into trouble. We don't think it's a modification. But we just want to make sure. And there's not, there's not enough guidance, like on the web site or anything like that that can help you. You can look through the regs. And we can say, well we don't think this is a modification. But we know plenty of other utilities that have gotten in trouble. So resources to me would be number one. Fund the staff at a good level.

Compliance Certification Reports

Provide Standard Format for Compliance Certification & Monitoring Reports

I think a standardized form [for compliance certification reports] would be helpful. I'm sure we're all doing it differently ... It might be easier for the compliance person at the DNR to review it if they are getting them from a number of different industries. I know the format that I've used is based on the one they have used in [name of state], because the state of [state name] does have a form that they request compliance information on for your semi-annual and annual report.

I would agree with the standardized format, probably more from your internal standpoint. I would guess it would be easier to get through that paperwork if everybody was submitting something that was fairly similar rather than again everybody kind of writes differently you know.

It would be nice of the DNR to have standard, this is the format we'd like to see and say these are the forms in which we'd like to see if you are going to report every six months this is the format we want to see. Versus throwing it at us and saying report to us. Do I go line by line or do I go ... I didn't know how to report the first time. So I did it line by line. Answered everything. Yes we were in compliance, this is how we did it. And then I got the comment back, too much information.

Provide Notification of Deadlines for Compliance Certification Reports

I think a notice would be great. I mean when you do business you get an invoice from another company that says this is what we expect from you and I think the DNR could operate the same way. Why don't you send a notice saying this is due on this date. Yea. At the end of the month of October you have your annual compliance notification must be in. You know. They do that with drinking water requirements, if any of you do drinking water sampling. At the beginning of the year they send out a schedule as to what your requirements are for the year for that. So that a similar type of format could be used for any air permit requirements that you have or submissions.

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Combine Compliance Certification & Emission Inventory Reporting

One of the last things I have is a, why is the annual, I don't know maybe yours aren't, I'll find out here for consistency, is that the annual inventory is not the same report as your end of the year report for your operating permit. As far as usage. I think those should be combined. You know, it is two sets of records in essence doing the same thing and that as long as you meet the conditions of your permit and you report in terms of your permit requirements as far as your usage why do you in our case we take it down to our annual inventory.

That could be on your first page to that [name] could go there and say I don't know what to do here, well here's the first page, well I could push that button and see what happens there and go back and push you know so he doesn't have to network through all these things like [name] is saying – going through this and this and this. You know that makes it hard to try to figure out where you are and where you are going if you are not familiar with that.

Provide Guidance & Tools for Industry

Provide Line-By-Line Explanation of Permit Requirements

I think having a personal line by line explanation of the permit is helpful. And assuming that the DNR isn't going to do that next time around, I'll have a different process as far as. I'll have a consulting firm that doesn't just send in the application but they come back for the explanation and working through the actual, ok when I get the permit go through with me line by line, exactly how does this change our process. I kind of muddled through that myself and it was difficult. I'm not an environmental engineer.

Yea, because I really think that when you do get your permit it shouldn't just be mailed to you. There should be a session at the very end that says, "Hello, we'd like to meet with [name of company] and we'd like to explain this to you", and that's not done. It's almost like it's anti-business. I mean I really have that feeling that they don't really care if there's a [industry type] business in northern Wisconsin. Here's your permit. You either do it or not. We're not going to help you with it.

Provide Software for Industry Record Keeping

Again like a lot of other folks I suppose we got an education. We were told about things that we had to do. But we were not certain what form or format we had to do them in in order to meet whatever the expectation was. And my thought processes is that if you are asking, like with our inventories, we not only have to do inventories by product, but we have to do rolling inventories based upon total amount of product that we can use, if you have a format or a program that works well that's maybe been tried by a lot of other companies you know help somebody out so they don't have to recreate the wheel. If you have something that really works well I would make it available to other companies.

You are saying like a record keeping software program?

Sure, whatever fills your need that would make it easier supply it to companies and say here's how other companies are doing it here's how they do their rolling inventories and walk them through it. Because I suspect that while you are working with a lot of the larger companies in the state right now to make sure they are in compliance, I suspect there's an awful lot of smaller companies out there that probably haven't been exposed to a lot of it and they may well have needs. If they do you can make their process a hell of a lot easier by walking them through it.

Improve Organization of Air Internet Site

But the one thing that I would like to see is, a lot of it is on the internet now, they refer to things on the internet and that type of thing, and I really like that. I'd just like to have one cheat page of all the places to go for this information. They should have a summary section of all the internet references. And then samples, on the internet. Like set up a boiler form or something and that type of thing to follow. That would save a lot of time versus trial and error on the forms. Putting this on, and then you send it, and then they say no no no, this column is that, that column is this. I had a sample to follow I know you guys have a lot of stuff on the internet now that you can pull off and there is a lot of stuff on the internet that you can pull off but one cheat sheet of internet addresses where all this stuff is – AP-42, and you know the regulations, and all that stuff that you can just. It's so fast now. And you guys have done a good job.

Provide Guidance for LACT Proposals

Specific to our process, we had to conduct a latest available control technology analysis for VOCs. I think this is a good functional logical process or tool for compliance and limitations and things like that. And I think the facility can do those themselves. I was able to do the technology option research for the capital, O & M determination. Unfortunately we were in a time constraint because that was a construction issue and so we had a consultant do the end part which was the financial spreadsheet and all of that. And like I say I hate to spend pay consultants to do something that I should be able to do and what I would like to see is some guidance on those that the tail end of that, the financial preparation of throwing those

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numbers together in the comparison way that the Department needs them to make that LACT determination.

Provide Guidance for Dust Suppression Plans

We had to do a dust suppression plan starting with our revision. How come we didn't have to do that five years ago, we didn't change our dust? We are generating the same amount of dust, probably more, probably the same amount, as we were five years ago and all of a sudden now we have to do this dust suppression plan. I said well what is a dust suppression plan. I asked everybody and their brother. You just so a dust suppression plan. Well do you have a model? How do I write it, what is the format, what do I need to include? Just do a dust suppression plan. I still don't know. I submitted it. It's at the DNR. I don't know if it is good enough. I have no idea.

Provide Guidance for Estimating Emissions

The second thing is, if you guys developed an internal document, whether it's by process device or whether it's by control device, our experience, for instance the thermal oxidizer. If you demonstrated compliance at a certain temperature, if you're going to burn something with a lower auto ignition temperature, it's going to handle it perfectly well. I ended up doing a lot of research trying to prove it to them, and then two weeks later EPA has that in their pharmaceutical [MACT]. If that was published, the next person who deals with the thermal oxidizer can read your guideline. And then you don't have to go through the hours of back and forth and back and forth. It would make, for consistency, it would make it available and it would save time. So I just see those as useful tools. I don't if your people here also have guidelines on how to search under FIRE, FIRE being your emission factors. Used all the time in operating permit. A lot of folks are confused in the consulting world, in the outside world, and some of the permit writers. So if they're scanning through and they don't know either the code or the phrase, they're going to spend useful permit writing time searching for mundane administrative numbers. So I think those three tools may not give us enough resources, but those tools might give you more bang for your buck.

Provide Guidance on Operation Permit Program

Maybe even with the renewal process, um ours was shorter. If there isn't any significant changes, maybe you can have the compliance officer be the permit writer. Because if it isn't a whole lot different, they may be able to do it quickly. I think that's something to think about. Can we even shorten, use less people even in that area.

Establish "Easy" Threshold Levels for Insignificant Units

Every process is different and everybody's got their special things, but something that I think applies to a lot of facilities is tank emission calculations. And when I first acquired those they are pretty horrendous for a non-engineer to initially interpret and understand and I'm kind of curious you know of all the tank sources that were applied for how many of those actually showed out to be significant sources or necessary to include. And I think you have a lot of people doing a lot of work for these little minuscule sources that didn't create significant emissions to warrant inclusion. And I'm wondering if it might be possible to set like a threshold for inclusion in going through all those work and those calculations, be it either material stored with a vapor pressure greater than such and such or tanks that had throughputs of greater than x gallons, just so you get some of these small sources.

Simplify Permit Application Forms

If there's any way to cut down on the volume of the paper work or the volume of the details. Or the way the computer forms are generated and one form kicks in four more forms I'm all for it if you can find some ways to do that. In the effort to try and make the actual permitting process and the paperwork part simpler I guess I would strongly suggest you also in this audit process talk to some of the permit writers and ask them what did you really use. What didn't you really use. Because I think there probably was some stuff they maybe didn't really need to have.

Appendix A – Results of Problem Ranking Exercise

During the Oshkosh focus group session, participants were asked to categorize a set of problems associated with operation permit review. They were asked to separate the set into three categories – major problem for me, minor problem for me, not a problem. The set of problems was developed based on comments from prior focus group sessions. A blank sheet was provided to each participant so that they could add to the set of problems. The problem descriptions are provided below. The results of the ranking exercise are depicted below in Figure 1 – Problems Encountered by Operation Permit Applicants, Ranked by Focus Group Participants

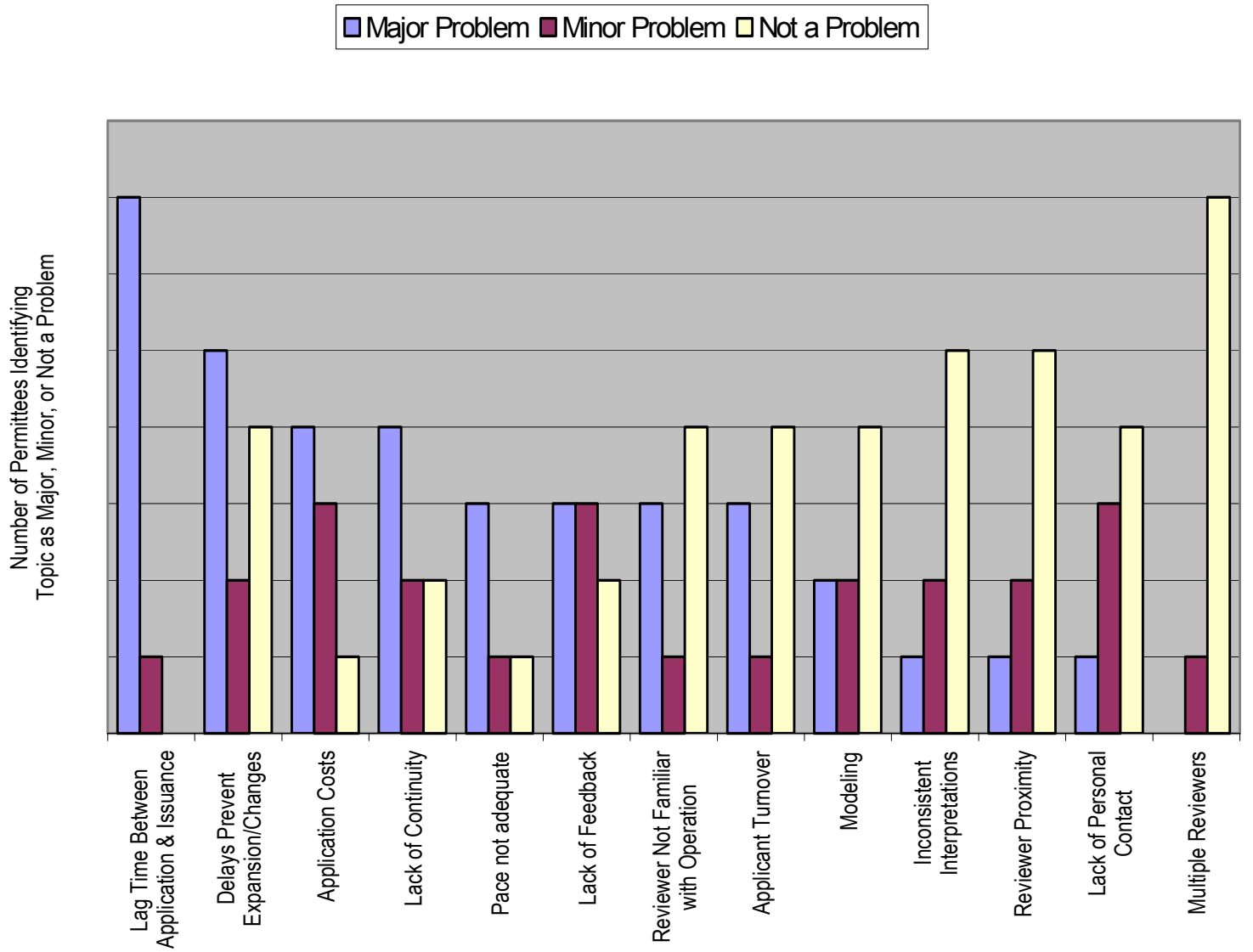
Problem Descriptions Provided to Participants:

- Lag Time Between Operation Permit Review and Issuance – Time. The permit timeline – in some cases years – takes too long.
- Delays Prevent Expansion/Change – Delays. Delays in permit processing prevented us from expanding our operation in a timely manner.
- Application Costs – Application Costs. The costs of completing the permit were excessive.
- Lack of Continuity – Continuity. The pace of the permit process meant that we had to go back and re-educate ourselves about our permit.
- Pace Not Adequate – Time. The application process does not keep pace with our need to make operational changes on short notice.
- Lack of Feedback – Communication. Lack of feedback: once we submitted our application there was little feedback from the DNR.
- Reviewer Not Familiar with Operation – Permit Reviewer's Familiarity with Operation. The reviewer was not familiar with our operation.
- Applicant Turnover – Permit applicant turnover. The person who originally submitted your permit application left the company and a new person – unfamiliar with the permit – had to fill in.
- Modeling – Emissions modeling. The emissions modeling did not fit our situation and/or the model was based on incorrect assumptions.
- Inconsistent Interpretations – Permit Reviewers. Inconsistent interpretations: we received different interpretations of our application from different reviewers.
- Reviewer Proximity – Permit Reviewers. Reviewer proximity: the reviewer was too far away from our operation.
- Lack of Personal Contact – Permit Reviewer. Working relationship: we did not have a face to face / personal relationship with the reviewer.
- Multiple Reviewers – Permit Reviewers. Multiple permit reviewers: we had to work with a series of different reviewers on the same permit.

Additional Problems Identified by Participants:

- Inconsistent permit requirements for similar sources.
- Permit amendments and DNR review engineer knowledge.
- Monitoring reports and certification reports and Part II requirements.
- Legal issues with DNR CON-OP Program, SIP and EPA's view of construction permit program.
- Departmental policy changes derail the process: LAER variance, modeling of surrounding sources.
- The process is too complex.
- Department temporarily lost confidential information submitted with original application. Took a call to a section head to initiate follow-up which resulted in Dept. locating information.
- Proposing limits contrary to what NR code requires.
- Over federalization of permit, i.e. failure to identify state only requirements.

Figure 1. Problems Encountered by Operation Permit Applicants
Ranked by Focus Group Participants



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Appendix B –Industry Representatives’ Comments on Construction Permit Program

Although participants were not asked to comment on the construction permit program, several did. Those who did comment expressed various objections and concerns about the construction permit program. However, one participant described an application pre-meeting process that worked well for them, and another commented that their construction permit was processed “fairly readily”. Some objected to the requirement to obtain a construction permit prior to commencing construction, another objected to the fees. One participant described differences in construction permit review between Madison and Milwaukee. Another participant expressed concern about the “supersession issue”. Participants’ comments about the construction permit program are included below.

Construction Permit Application Pre-Meeting

I think a, what we do anytime we submit a permit is, we always, we probably spend twenty five percent of our time, ten to twenty five percent of our time, talking to the permit writer prior to even starting, prior to even submitting the permit. And in many many cases, most cases, we meet, we come down to the Department, and we hand deliver our permit to the permit writer, and we sit down, and there's a cursory review of that permit before the Department accepts, or before the Department even logs it in. And that has worked out very very well for us, because if we can spend an hour with the individual there's a lot of times that they can, that individual can come back and say, well you know you don't have this here, and you don't have that there, and I'd like a little more data on this, because I don't understand what you are talking about could you send us that. And we can go back right away and we can get this material going, and it just works so much easier, so much smoother. When we send in a permit, we pretty well know what that individual wants and what that individual's working is going to be looking for. And pretty much what he's going to mandate us to do once that permit comes out. So I think that's, I think that's important I really think that that really shortens up that whole process, in the long run. You know, if the Department has to call us up and write, or write us a letter saying you are insufficient in that ta da da da da da, and then we have got to write a letter back to them, you know, it just lengthens that process. So I think that's helpful.

Construction Permit Requirements – Timeframe, Cost

But looking back through any of those files, I don't see any great hang-ups, especially the construction permit for that finishing line - it seemed to go through fairly readily.

That's what I think is the big cost, that time restriction in being able to do anything to your plant operations when you need to react more quickly to what your customers needs are.

The biggest thing on that is like he's saying you have to be on line. If you are going to be competitive you have to go now. If you can get that molder in 16 weeks you better be ready to go with your permit in 16 weeks. So, my thing is be timely. Get the initial permit, get it out there so you can go, so we're not waiting on a permit. Do what we have to do after the fact. Because the market is so competitive right now.

It happened both back in '97 when we sent in the construction permit, once we found out we needed one. Our company changes very rapidly and at that time we had two new presses on order. We were told don't set those presses up until you get the permit. I had customers waiting for the presses. So we paid the thousand dollars extra to expedite the permit. They told us the twelve weeks would be down to six weeks – and it only took twenty one weeks. So spend the extra thousand dollars to do things fast, and it still took almost forever ... When we started the process we didn't, we ended up getting a major fine because we didn't know we needed a permit. Our company grew so fast. In 1985 we were at seventy employees and by 1995 we were at four hundred employees. And we went from seven presses to twenty seven presses, and now we are at thirty five, and I've got three more on order. One of the issues we have right now is to bring these three new presses in I need a construction permit. I'm just about to get the operation permit, but now I need a construction permit for three new presses. So what we did was we actually filled out a construction permit for five presses equal to the biggest one that we've ever bought so that over the next 4 or 5 years I can keep bringing them in as I need them. And as soon as I get to the last one then I start over again. In one case it definitely cost us a customer because I couldn't set the press up and run it and it was a customer that the press was specifically ordered for. So we spent \$600,000 on the press, lost the customer and had to go out and find new customers. We did do that. It took a period of about a year and

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a half to fill the press up but you know when they told us that you pay the extra thousand dollars you're going to get it done now, you would expect that you're going to get it done now.

I was going to do an upgrade to our facility, but after listening to these people I will not do it because it will cost me too much. It will. It will. It will cost me another \$7,000. Just for the permit part. More than the cost of the upgrade.

Construction Permit Consistency

We have had an opportunity to have permits written by both Madison and Milwaukee. And we have seen a considerable difference in how they view certain things in Madison versus Milwaukee. I think that's where there is an inconsistency in interpretation of a rule, where fairness may come into play ... Well, we had a situation with a [emissions unit]. We have a little small [emissions unit]. It's about a third the size of this table. And it's used very infrequently. And we had a, matter of fact we did the potential to emit calculation on it, and this was for a permit we had had down in Madison, and a potential to emit was about, I believe it came up to about eighty seven pounds a year. And the people in Madison wanted that thing in the permit. And finally we said, put it in the permit. We didn't have time to discuss this thing anymore. We already had equipment that was in a crate on the floor. And we needed to get it into production. And that would not have been an issue necessarily here in SED, I don't think. You know but there was also different calculation on how you calculated the netting out scenarios, between Madison and Milwaukee. And some of the other things ... Netting out for new source review. There was, anything that we discussed with Madison we had to send a follow up letter confirming the discussion. That doesn't necessarily happen here in Milwaukee. Agreements, discussion, or consensus can be raised, can be achieved here in SED and then it gets written up into a form, it gets written up and included in the permit. Frankly, the permitting process was more enjoyable in SED than it was in Madison. And I think that that's where you get, we do have, obviously, a competitor, a large competitor in central Wisconsin, and I, you know, that's where fairness is a concern, in that there is consistency between, you know, what's done in one district, and not just Madison, but whether its done in Rhinelander, or if its done in La Crosse, or Eau Claire, or someplace else, that its similar to what's being done in other parts of the state. But as far as the permit goes, it follows the requirements of the Clean Air Act, it follows the requirements of the administrative code, so I can't say that we are being treated any worse than anybody else or any better than anybody else.

Interface Between Construction Permit & Operation Permit

I think one thing that would help, and it has been done, not always consistently, but it has been done on a regular basis, is if you take construction permits, and you can get those construction permits to supersede preceding construction permits, and incorporate them in, incorporate everything in, then the permit writer only has to look at one permit. Now in our case, um, they in different situations, they only got to look at one because that one supersedes everything else. So they have only got one document to look at. It makes it a lot easier for the permit writer. In some other cases, there's three or four different documents you got to look at. Well there's a regulation here, and there's, oh by the way, there's a, oops there's one over here that's a little different, there's one here for a tower coater but it's not in this permit, and so forth and so on. And so superseding permits is a good way to streamline stuff, and make it easier for the Department. And ultimately it makes it easier for us, because then all we are dealing with is one piece of paper. And we don't have to take and dig through it every, you know, and when the compliance person comes in and looks at it, we have got one piece of paper we are all in agreement on ...

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The other issue is a legal issue with DNR and the way the SIP is currently written, and the CONOP program, and the way EPA views the construction permit program. For those of you who get construction permits and need to roll them into CONOP permits or your operating permit you need to ensure that all your conditions in your construction permit are correct and that they match what's in your operating permit because EPA currently views the construction permits to be a living document, they go on forever, even though DNR will take and roll them into an operating permit. So you could end up with a situation where you will have conditions in a construction permit that you have to meet plus conditions in an operating permit that you have to meet. And I know that my discussions with Lloyd Eagan on this is that she is aware of it and they are trying to fix it by I'm not sure where that currently exists. In fact DNR had given some very poor guidance early on in the process, in that if you don't like the conditions in your construction permit we'll re-write them in your operating permit, so you'll end up with conflicting conditions and according to EPA you need to be complying with those construction permits because they go on forever.

Construction Permit Program Changes

The Department may want to consider what other states have done and that's the write your own permit type of a program. A lot of the facilities hire consultants now and a lot of the time the consultants are able to do more networking or at least are more inclined to do networking and to see what some of the other similar types of facilities have for requirements and you may be able to get more consistency and you probably would get permits that are more reasonable too by going with a kind of write your own permit type of a program. The other thing too is that as the Department moves forward and looks at reform and streamlining you may seriously want to consider some type of a bubble format for a facilities and that would give facilities possibly more flexibility to make changes. I know that changes are important as we move forward trying to remain competitive in a global marketplace and give the facilities a bubble limit and let them figure out how they are going to comply with that limit underneath that bubble, what changes they want to make in order to remain competitive. They know their business better than the Department does. It seems like we have a tendency, where we are moving, it is not all the Department's fault, a lot of these programs are federal mandates the Department is just doing for EPA but a lot of frustration is as we move forward with more and more regulation the regulatory agencies want to move more and more up the pipeline into our processes, dictating what we do and that's not right because we know our business better than the regulatory agency ever could. I think we need to be working more cooperatively in trying to enhance environmental improvement. And I think if you do work cooperatively you will actually get more environmental improvement than in the old command and control system that we are currently operating under.

There's one thing I noticed with MN regulations. When you go to make a modification or whatnot, you don't have to go through the construction aspect of it, as far as permitting goes. You just make a modification to the existing operations permit. It just gets incorporated in. Make changes and just incorporate. I mean, you got all these separate programs now.

PSD Guidance

We have a lot of issues because we do modifications at our facilities that are questionable as to whether they would trigger truly PSD, Prevention of Significant Deterioration modifications. And I would like to see, I know it's very difficult, but for us it would be nice to have some more guidance on those kind of things so permitting would be a lot easier in the future.

Appendix C –Feedback from Industry Representatives on the Focus Group Process

Focus group participants were asked to provide comments on the focus group process. Overall, participants appreciated the opportunity to provide input to the Department and share their experiences with their peers. Several commented that it was interesting to hear how similar their experiences were. Some stated they learned a lot just by participating. Others were primarily concerned that the DNR make use of the information provided. Some suggested that more sessions should be held in the future. A selection of their responses is included below.

Hope DNR Uses Our Suggestions

I hope the DNR will use our suggestions.

Well, I think it is always fun to get together in groups like this and find out that you are not the only one who has some of these same problems and provide feedback. I guess maybe coming from the other side, you folks have gathered a lot of information and I'm sure you are going to summarize some of the issues that we have brought forward. And I would like to get some feedback on what you plan on doing about this, what your time slot is, and what can we expect in the future.

My answer is like [participant's name], I want to know what the outcome is. That this is worth doing, make change. Or is it just rehashing the same old thing?

Glad for Opportunity to Provide Feedback

And on this side, I'd also like to commend them, and thank the Department just for letting us come down and talking and listening to us, and taking us fairly seriously. I mean we take our waste streams and put them into the public domain, and the public domain has the right to demand that it be treated properly. So I mean, we want to be good corporate citizens, and we also appreciate the fact that you want to have a little give and take here, so that we can do it right. We appreciate that.

I would like to thank the Department for inviting us down here today. Anytime that we can, anytime that we can meet with the Department in terms of mutual cooperation, because we all have the same goals in mind, I think that's a good thing. I think it certainly promotes what we are trying to do, and that is to make the area a better place to live, and to improve the environment, while still allowing industry to be viable in this area.

But I am thrilled that we have had this opportunity for feedback like that. I'm happy that I was invited and I would like to see more things like this in more of the bureaus as well in the future.

But I just want to, I think it was really great to do this and to have this opportunity, thank you.

I think the session was good. I think it's always good for people who are using this system and so forth to have some ability to speak to the concerns I have. The only last comment I have is Yes, there's problems and everything else, but I do want to say again that the staff was very helpful, very interested in making the whole process work and availability and things of that nature. So, nothing against the staff, it's just certain glitches I am sure that they have as well as we have.

Just thank you too. Also I am not sure I contributed anything real significant to that but I do think that this represents being proactive and common sense which I think hopefully the state of Wisconsin is known for and I would like to see that be part of it. Thank you.

I think today's session was great. It gets back to building that trust and communication. And again, we appreciate that. Again, we have a buffer between [company name] using a consultant, and the DNR, and it's nice to come on down and visit. I have been down here a couple of times. And it is good customer service too, by the way. [laughter]

I thought it was very nice. I think it is good to have input from other industries also, and to have input from the Department, to see that you are interested in what problems we have as we stumble along the way, that you can help us with. I think that's a good thing to do.

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I would agree with that as well. This is a good thing probably to do for all the different tasks within the Department. It might be good to have something on compliance officers, or what their role is. It is a good thing to do.

I would like to say thank you for lunch and our time here. That was really great. I think more networking groups are the way to go. I would like to see them annually. Because this is a not a one time deal we you know we get to tell you different things but is anything going to come of it and what is going to happen next year? I mean we could help each other with processes. You know if [name] gets something new, and I have it we can at least network. It would be nice to be able to do that between different companies.

Similar Experiences

It [the focus group session] was informative for me from the standpoint that I see a lot of the same things that we had to go through or a lot of the same timelines a lot the same problems if you will that we're not the only ones experiencing that. And like I say, I haven't had a lot of contact with other people either in our industry or in other industries about their experiences with that, so this was kind of new for me to see how are other people having to deal with the same type of problems, and I see that there are a lot of similarities.

It is interesting to see from the diversity of that we have here the problems are very similar, everyone has gone through the same scenario and the time frame thing, that one shocked me that everybody is in that time frame but um it is very good to get together. The other thing I'd like to know is when you are done with all five regions are you going to put a report together that we can all get to see if I mean that would help to see that other people in other regions are seeing the same things?

It was helpful to hear that other people have a similar timeline for some reason I thought that this was unique to our company and basically we didn't even have as long a wait as some of the other companies. I guess maybe I made the assumption, because I agree with [participant's name], that if you did that in business you wouldn't be in business.

It is interesting to hear from others. You often deal with the permits even though they are completely different industries or similar industries, but from a different perspective. To know that we all deal with pretty much similar situations of administration and trying to control these kind of things. It is nice to know you are not alone.

Very Informational

I thought it was very informational. I was apprehensive to come because, you know, indirectly sometimes comments get back to the people that you have to work with on your next permit. And that makes me nervous because sometimes we're a little bit too critical of them, and maybe they really try to do the best they can. Thank you for the invitation.

Just keep doing what you're doing because we're happy. No. I, this was a good way to spend a couple of hours, too. I personally learned quite a bit from you, so it was very interesting.